

GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SESSION OF 1915

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY,

Commencing Tuesday, January 12, 1915.

CHAS. HENDERSON, Governor.

THOS. E. KILBY, Lieutenant-Governor.

T. L. BULGER, Pres. Pro Tem. of the Senate.

A. H. CARMICHAEL, Speaker of the House.



I, John Purifoy, Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

JOHN PURIFOY,
Secretary of State.

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MESSAGE

OF

GOV. EMMET O'NEAL.

To the Senate and House of Representatives:

The constitution requires that the Governor shall "from time to time give the Legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient." It is further provided that at the commencement of each regular session of the Legislature and at the close of his term of office, he shall give information by written message of the condition of the State.

In compliance with this constitutional mandate, I submit for your consideration the following message:

Since the adoption of the system of quadrennial sessions of the Legislature, both the incoming and retiring Governor are required to each deliver a message, and these messages are both submitted to the same Legislature, within a period of less than a week. The confusion to which this singular provision of the constitution leads is evident, and the useful purposes it seeks to subserve are difficult to understand. The retiring Governor is required to submit a message and to recommend such legislation as his four years of actual experience in the administration of the affairs of the State may suggest, and yet he retires from office within a few days after his message is delivered and is denied the opportunity of taking any part in aiding in the necessary reforms he may advocate. The Governor-elect is also required to give you information of the state of the government, although he is without any legal power at the time his message is prepared to demand from the different departments of the State government sworn reports and detailed information as to the needs of the respective departments. He is ushered into office with the Legislature in session, and before he has had an opportunity of familiarizing himself with actual conditions, or before he has acquired that practical knowledge which comes alone from experience, he is expected to at once submit to the law-making body all the reforms in legislation which can occur during his administration. The Governor should have at least

six months experience in office before the Legislature convenes. Therefore, one of the many imperative reforms of the present constitution, in my opinion, is an admendment providing that the Legislature shall assemble only after the new Governor has had six months experience in office, and ample opportunity to give careful study to the wants of the State, and sufficient time within which to prepare such legislation as he may ascertain is necessary to secure a wise and progressive administration. Inducted into office during the turmoil of a legislative session, with the grave and exacting duties he must assume, and at a period when he is beseiged by hosts of applicants for office, and the most important appointments are to be made, the new Governor is nevertheless expected to know in advance of any actual experience, the condition of the State, and to anticipate with prophetic ken, all the legislation which may be needed during his term of office.

The message I submit and the measures I recommend are the outgrowth of four years actual experience in the administration of the affairs of State. These recommendations are submitted with the earnest conviction that the enactment of the legislation which I will suggest, will not only secure greater economy and efficiency in the State government, but will promote social and economic justice among our people.

During my four years term of office, there have been repeated demands that I call the Legislature together in extraordinary session. While I have recognized that there was need of many important reforms in our laws, I did not believe that they constituted that extraordinary occasion which justified an extra session. The language of the constitution means what it says—that the Governor can only call the Legislature in session when an “extraordinary occasion” exists. Not believing that such extraordinary occasions, as contemplated by the Constitution, had arisen, I declined to convene the Legislature in extraordinary session. In a growing and progressive State, the demands for legislation on various subjects, must necessarily increase in proportion to our advance in industrial development. Inventive genius and scientific discoveries are constantly creating new legislative problems which demands legislative solution. The most serious objection, therefore, to the quadrennial system, is that it denies the people of the State for four years the right to repeal or revise vicious or unwise legislation or to enact laws which may be essential to the prosperity and progress of the State. By the quadrennial system the right of the people of the State to self-government is suspended for four

years. It is therefore reasonable to expect that at this session there will be an unusual number of subjects demanding your attention. Many laws shown by experience to be unwise and defective are to be repealed, new and perplexing problems to be settled, and new interests and rights to be protected and guarded by law. I believe that the quadrennial system has proven to be the most prolific source yet devised for hasty, ill-advised and ill-considered legislation. I therefore most earnestly urge that the feverish and unseemly haste, which the limited time during which you can remain in session tends to produce, should be carefully avoided. You are the trusted representatives of the people,—the only agency through which their will in matters of legislation can be expressed. Many reforms are urgently needed, new and important legislation to be enacted, and I am convinced that you will consecrate to your arduous and important duties, your time and talents and that you will be actuated by a sincere and patriotic desire to improve conditions and advance the interests of the State.

REFORMS OF LEGISLATIVE PROCEDURE.

Our Legislative methods and procedure are in many respects inadequate and expensive. We should use the typewriter and printing press instead of the old method of engrossing and enrolling bills by hand. Under the custom that prevails of keeping a manuscript-journal, its reading is generally dispensed with and its contents are frequently unknown until months after adjournment. I would suggest that a printed daily journal be placed on each member's desk, on the morning of the day following the events which it records, enabling the record to be criticised and corrected while still fresh in the mind of every member.

The number of bills introduced is generally beyond the capacity of the Legislature to consider and the introduction of duplicate bills on the same subject causes unnecessary consumption of time and needless expense.

The Legislative committees are generally too large and too many, with the result that when important measures are to be considered and careful committee work to be done, it is almost impossible to secure a full attendance. Committee meetings should be in the forenoon, instead of at night, when the members are generally weary from labors of the day.

There is much unnecessary waste of time by failure of the House and Senate committees meeting together. Under the

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practice that prevails, each committee must thresh over the same matters in the committee-room of each House.

The number and character of the employees are too often determined, not by the amount or kind of work to be done, but by the importunities of persons who desire to be placed upon the legislative pay-roll.

I am convinced that reform in these, as well as other matters, which are not enumerated, will cause a saving of thousands of dollars to the State and at the same time enable the Legislature to act more intelligently and efficiently.

I would therefore recommend that all amendatory bills should be so printed as to show in a glance what changes are proposed in existing laws, that all enrolling and engrossing shall be done by typewriter or by printing; that a parliamentary draftsman of skill and experience be employed to whom every bill should be submitted before introduction, in order that the proper phraseology may be used, defects corrected, and its unconstitutionality discovered, if any exists. The services of this draftsman to be free to members on written request; and that members shall introduce only such bills as they are willing to defend before the committees and on the floor, and that committees should only report such bills favorably, as a majority of the committee are willing to defend.

I further recommend that printed journals be placed each day on each member's desk, and when corrected enough copies to be printed for the bound volume, retained; that calendars and sub-indexes of bills be printed and distributed daily. I would further suggest that the number of committees be reduced at least one-third, and that regular committee meetings shall be each forenoon from nine to twelve; that schedules of committee meetings shall be printed and so arranged as to secure full meetings. I would further suggest that joint meetings shall be held of the Senate and House committees having in charge appropriations. There is nothing which has more tended to destroy confidence in our law-making bodies than the methods which prevail in committees. All committee hearings should be made open to the public, and a journal should be kept by each committee recording the names of all who appear in advocacy or opposition to each bill, as well as the votes of every member of the committee. The pit-falls, the concealments, the dark-lantern methods which have heretofore prevailed in committees should be succeeded by open sessions, in which full opportunity is accorded to all who are interested, to appear and present their views.

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I would most earnestly urge that you provide by rule for the publication of a stenographic report of your daily proceedings. Legislative sessions furnish meager information and the publication of a stenographic report of debates and proceedings, would keep the public fully informed as to the record of each member and furnish a simple method by which responsibility for each law could be readily ascertained. Publicity is a most efficient remedy for many of the evils of legislative assemblies, and the publication suggested would necessarily tend to make each individual legislator more careful in the discharge of his important duties. Under the system that now prevails, any member of the Legislature can introduce any bill on any subject he pleases. While we cannot restrict the right of a member to offer as many bills as he pleases, he should at least be required to furnish with his bill a memorandum, showing by whom the bill was drafted, whether by the member or some other person, the purposes sought to be accomplished and a brief statement of the provisions, and this memoranda should be made a condition precedent to its reference to a committee. Many of the bills introduced in our Legislature are inspired by some private interest—some favor-seeking corporation, and seek to secure some unfair exemption, improper privilege or unjust franchise for partisan or private gain. By the method I suggest the party responsible for the bill can be readily ascertained.

In making these suggestions I recognize that you alone can control your procedure. The Governor, however, by the very terms of the constitution, is made a part of the Legislature. Through the power vested in him by the Constitution to recommend measures, he can initiate legislation and can, if he sees proper, make his recommendations in the form of a bill.

The recommendations which I make are in no spirit of criticism, and I am sure you will appreciate that my only purpose is to aid in securing better methods of procedure and thereby preventing unnecessary delays and insuring greater care in the enactment of legislation.

These rules for the improvement of your procedure have been suggested not only by the experience of Alabama, but of other States, and wherever adopted have prevented unnecessary waste, violations of constitutional provisions, reduced expenses and facilitated the labors of the legislative body.

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FINANCE

When I entered upon the discharge of my duties the total receipts for the preceding four years was \$18,712,746.00 and the disbursements were \$20,238,854.53. The total excess of disbursements over receipts or income, for the four years prior to my administration, amounted therefore to \$1,526,108.53. This shows that there had been an annual deficit during the term of my predecessor of \$381,527.13. This annual deficit was paid out of the surplus of \$1,814,453.37 left by the administration of Governor W. D. Jelks, and but for that surplus the State would have been bankrupt at the time I entered into office. Confronted with this situation, in conjunction with the Auditor and Attorney General, I carefully prepared a revenue bill, which sought to correct inequalities that then existed in our taxing system, which reached a large class of property which had been escaping taxation, and which, in my opinion, if adopted, would have produced revenue sufficient to have made the income of the State exceed its necessary expenditures. The committee to which this revenue bill was referred, notwithstanding repeated special messages on my part, urging prompt action, declined to make any report until practically the last day allowed by law, and the report it then did submit was a revenue bill entirely different from the one which had been so carefully prepared by the Governor, the Attorney General and the Auditor, in compliance with the constitutional mandate. Unfortunately, committees and delegations representing certain selfish special and corporate interests were allowed to exercise too great an influence in the drafting of the bill. The revenue bill was presented to me on the night of the last day on which it could be approved, and by this action on the part of the committee, I was denied an opportunity of giving it that careful and painstaking scrutiny which its importance demanded. I was therefore either forced to approve the bill or call the Legislature into extraordinary session, at an enormous cost to the tax-payers of the State. I have never yet been able to determine whether the revenue bill as adopted did not have the effect of decreasing instead of increasing the revenues of the State. With the growth of the State in wealth and population, there should necessarily be an annual increase in our taxable values and therefore in the State's revenues.

In order to supplement the revenues as far as possible, even with an inadequate revenue bill, I have given personal supervision to the work of the State tax commission, have employed

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special counsel to collect franchise taxes and have instructed the State's examiners to aid in every possible way during their examinations, in ascertaining the amount due the State for licenses and franchise taxes, and fees from corporations.

The following are the receipts and disbursements for the fiscal year ending September 30th, 1914:

RECEIPTS.

General Fund.

Taxes -----	\$ 1,448,299.81
Convict Department -----	1,162,493.18
Licenses -----	417,740.99
Insurance Department -----	289,259.91
Agricultural Department -----	193,692.14
Mortgage Tax -----	126,188.08
Motor Vehicle Department -----	52,029.79
Morrill Fund U. S. Treasury -----	50,000.00
Solicitors' Fees -----	39,848.71
State Board Agriculture, License Oil Companies -----	35,240.46
Foreign Corporations -----	24,513.33
Salaries, Excise Commissioners -----	23,800.00
Pure Food Department -----	22,171.03
Express, Telegraph and Sleeping Car Companies -----	21,398.11
Domestic Corporations -----	18,453.47
Sale Sixteenth Section Lands -----	20,352.32
Interest, Alabama Girls' Technical Institute -----	24,963.48
Miscellaneous Receipts -----	98,199.02
Total -----	\$ 4,068,643.83

Educational Fund.

Taxes -----	\$ 1,736,237.78
Poll Tax -----	205,731.33
Examination of Teachers -----	15,509.67
Miscellaneous Receipts -----	2,386.10
Total -----	\$ 1,959,864.88

Pension Fund.

Taxes -----	\$ 578,492.41
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RECAPITULATION.

Receipts.

General Fund -----	\$ 4,068,643.83
Educational Fund -----	1,959,864.88
Pension Fund -----	578,492.41
 Total Receipts -----	 \$ 6,607,001.12

DISBURSEMENTS.

General.

Executive Department -----	\$ 105,935.04
Judicial Department -----	258,547.28
Archives and History -----	8,656.74
State Tax Commission -----	34,295.06
Military Department -----	39,992.03
Railroad Commission -----	18,562.22
State Prison Inspector -----	10,056.49
State Highway Commission -----	134,559.08
State Mine Inspectors -----	21,591.22
State Bank Department -----	11,739.09
Game and Fish Commission -----	7,648.17
Bureau Cotton Statistics -----	2,971.00
State Live Stock Sanitary Board -----	5,266.14
Immigration Department -----	6,385.40
Medical Department -----	26,200.00
Insurance Department -----	14,429.51
Geological Survey -----	12,374.13
Agricultural Department -----	24,180.99
Amounts Refunded -----	25,374.18
State Board of Agriculture -----	24,799.10
Feeding Prisoners -----	130,000.00
Interest on Bonded Debt -----	357,450.00
Bryce Hospital -----	353,193.75
Public Printing -----	29,992.83
Stationery and Postage -----	10,000.00
Registration of Voters -----	20,862.00
Bureau of Soils -----	8,933.77
Excise Commissioners -----	26,635.00
Miscellaneous Disbursements -----	59,003.54
 Total -----	 \$ 1,789,633.76

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Education.

Treasurers County Public Schools	\$ 2,273,436.47
Normal Schools	112,000.00
State and County Boards Examiners	13,244.89
Institute Appropriations	6,500.00
Contingent Fund	3,000.00
Balance, School Fund	76,246.20
University of Alabama	158,500.00
Alabama Polytechnic Institute	127,480.00
Alabama Girls' Technical Institute	162,544.24
County High Schools	149,250.00
Deaf and Blind Schools	90,492.50
Boys' Industrial School	51,987.50
Agricultural Schools	41,000.00
Huntsville Normal School	45,000.00
Florence Normal School	37,500.00
Dale County High School	5,000.00
N. E. A. & I. Institute	3,000.00
Mt. Meigs School	15,714.44
School Libraries	6,350.00
Erection Rural School Houses	75,121.16
Total	\$ 3,453,367.40

Convict Department.

Court Costs	\$ 55,297.67
Maintenance	623,748.21
Salaries	166,863.87
Total	\$ 845,909.75

Pension Fund.

Pensions	\$ 981,741.95
Miscellaneous Disbursements	2,372.20
Total	\$ 984,114.15

RECAPITULATION.

Disbursements.

General	\$ 1,789,633.76
Education	3,453,367.40
Convict Department	845,909.75
Pensions	984,114.15
Total Disbursements	\$ 7,073,025.06

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GENERAL STATEMENT—RECEIPTS AND DISBURSEMENTS.

For Fiscal Year Ending September 30, 1914.

October 1, 1913, Balance in State Treasury-----	\$	99,267.54
Cash paid into State Treasury to September 30,		
1914 -----		6,607,01.12
Warrants in favor soldiers returned and cancelled		29,318.15
September 30, 1914, Warrants		
drawn on the State Treasury		
during the fiscal year-----	\$	7,073,025.06
Deficit in State Treasury-----		337,438.25
Totals-----	\$	7,073,025.06
	\$	7,073,025.06

During the four years of my administration there has been collected \$24,620,796.56, and there has been disbursed for pensions during that period \$3,793,503.30, and for education, including elementary schools, the higher institutions of learning and the reform schools,—\$11,923,368.62, and there has been expended during this period for maintenance and general support of the insane hospitals \$1,377,050.35; for the judiciary \$1,063,105.35 and interest on the public debt \$1,429,800.00.

For the fiscal year ending September 30th, 1914, over fifty per cent of the revenue of the State was expended for education, and practically the same ratio for the past four years.

ASSESSMENTS.

The following are the assessments for the four fiscal years ending September 30, 1914, with the amounts of general, soldier and school tax, for each year:

	<i>Assessments</i>	<i>General Tax</i>
1911-----	\$541,764,761.00	\$ 1,353,645.11
1912-----	566,807,488.00	1,417,010.21
1913-----	580,588,813.00	1,451,471.52
1914-----	615,380,500.00	1,538,450.00
	<i>Soldier Tax</i>	<i>School Tax</i>
1911-----	\$541,764.76	\$ 1,625,294.28
1912-----	566,807.48	1,690,423.46
1913-----	580,588.81	1,741,766.43
1914-----	615,380.50	1,846,140.00

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Assessment 1914	\$615,380,500.00
Assessment 1911	541,764,761.00

Increase in four years.....\$ 74,615,739.00

Assessment 1914	\$615,380,500.00
Assessment 1913.....	580,588,813.00

Increase of 1914 over 1913.....\$ 34,791,687.00

This increase of \$34,791,687.00 of 1914 over 1913 only represents the increase in the regular assessment.

When the State Tax Commission completes its work of raises and taxation of solvent credits for 1914, it is estimated that the increase for 1914 will be approximately \$75,000,000.00, and make the assessment for 1914 about \$655,000,000.00.

Already the taxation on \$20,000,000.00 solvent credits has been adjusted, and the cases pending will probably increase it to the above figures.

The taxes on these \$75,000,000.00 increase in assessment for 1914 will be as follows:

General Tax	\$ 187,500.00
Soldier Tax	75,000.00
School Tax	225,000.00

Total increase.....\$ 487,500.00

This \$487,500.00 increase in taxes will make the receipts for 1915 \$7,000,000.00, even if there are no increases in the receipts of the convict department, licenses and other sources of revenue of the State.

Licenses collected for the four fiscal years ending September 30, 1914:

1911	\$ 234,957.98
1912	395,821.81
1913	381,150.39
1914	417,740.39

Increase in four years.....\$ 182,738.01

The total receipts for the four fiscal years ending September 30th, 1914, were \$24,620,796.56:—this was an average of \$6,155,-199.14 for each year. The increase in receipts from 1911 to

1914 was \$1,119,636.40. The total disbursements for the four fiscal years were \$25,978,925.66. This is an average of \$6,494,731.41 per annum. The disbursements for 1914 were \$7,073,025.00.

This large increase in the disbursements for the fiscal year ending September 30th, 1914, was caused partly by the increased number of inmates of our eleemosynary institutions and by the allowance of certain contingent appropriations, the release of which was absolutely essential to the educational interests of the State. These appropriations were made contingent upon the approval of the Governor and amounted to \$1,290,000.00 per annum.

While I have refused to release most of these contingent appropriations, there were certain moneys which I was compelled to release in order to maintain our educational institutions at their present standard.

I have released one hundred thousand dollars for the Alabama Girls' Technical Institute, at Montevallo, because that institution was doing extremely valuable work for the technical education of the young women of the State. The work of this institution would have been practically checked without the construction of adequate buildings for class-rooms and this appropriation was only released after I had made repeated personal investigations of conditions and had reached the conclusion that the moneys already expended for the State, would have been wasted without these additional facilities. This institution is doing for the young women of Alabama what the Alabama Polytechnic Institute, at Auburn, is doing for the young men.

The Medical College at Mobile had been classed by the Carnegie Foundation in the class known as Class A. This, the only State medical institution, would have been lowered in standard, its usefulness and efficiency destroyed, if I had not released a sufficient amount of the appropriation made by the Legislature to enable it to continue the high standard it had reached. I did not believe the people of Alabama were willing to have this important institution lowered in its standard or efficiency.

I have also been compelled to release certain appropriations for the State University and the Alabama Polytechnic Institute, whose attendance had increased to such an extent that additional buildings and equipment were imperatively demanded, if their efficiency and standards were to be maintained.

During the last Legislature, an act was passed making an appropriation of \$50,000 for the erection of suitable dormitories for the State Normal School at Florence. This appropriation was made contingent upon a donation by the people of Florence of \$15,000 additional. The people of Florence made this additional donation, and in the early part of my administration, believing that the condition of the treasury would warrant the expenditure, and impressed with the fact that the most growing need of our entire educational system was a better teaching force, I agreed to release this appropriation during my term of office, and which agreement I have carried out in good faith. A splendid dormitory has been erected, one of the best in the State, with the result that the field of usefulness of this important institution has been most materially enlarged.

The other three State Normal Schools, to-wit; the State Normal School at Jacksonville, at Troy, and at Livingston, are in urgent need of suitable dormitories. The last Legislature made appropriations for these institutions as well as for the school at Florence. These other three normal schools cannot properly do the important work entrusted to them by law—the training of teachers—without sufficient dormitories and school buildings. I was so deeply impressed, after reading the report of the superintendent of education, with the fact that the mass of teachers employed in our elementary schools were not properly trained and equipped for the discharge of their important duties and that the one relief from the deplorable conditions that now exists, was by increasing the facilities of our normal schools and relying upon them to furnish a proper teaching force for the public schools of the State, that I agreed at the earnest request of the State normal school board, to release appropriations made by the last Legislature for additional buildings for these institutions. I made the release, however, and issued the warrants, only upon condition that these appropriations would be paid in four annual installments, commencing January, 1916, and ending January, 1919. By distributing the payments of these appropriations over this term of four years, I believed their payment could be readily made by the State treasurer, without imposing any undue burden upon the tax-payers of the State.

When we remember that the State expends in the employment of teachers in our elementary schools nearly two and one-half million dollars annually, and that, as shown by the report of the superintendent of education, nearly seventy-five per cent of the teachers employed have not received more than

an elementary education, it becomes apparent that every dollar used by the State in equipping teachers for their important work, is wisely and properly spent.

Our expenditures exceed our receipts but I call your attention to the fact that although this condition existed at the time I entered into office, the Legislature of Alabama in 1911 increased the fixed charges and appropriations of the State five hundred thousand dollars annually, and also made contingent appropriations amounting to about one million dollars annually. This burden of five hundred thousand dollars annually, imposed upon the treasury of the State, was for appropriations that were absolutely essential to the progress and development of the State. They were created in brief by the provision of the law authorizing the erection of high schools in every county in the State. No one familiar with our educational needs can doubt the wisdom of that appropriation. The establishment of high schools in practically every county in the State, was demanded by the best and most advanced educational thought of the day, and was absolutely essential to coordinate our entire educational system. Without the high schools, there could be no increased attendance in our higher institutions of learning, and during my administration over one hundred and fifty thousand dollars annually of increased appropriations have been made for these institutions.

Before my administration there was no highway department. To do not believe there is an intelligent man in Alabama who does not recognize that one of the primary duties of the State is to furnish the people adequate and improved highways. Yet, highways cannot be constructed without money, and the Legislature appropriated annually one hundred and fifty-four thousand dollars for these highways,—an appropriation which had not existed prior to my administration,—and during my administration \$378,990.24 have been expended for the construction of highways, up to the fiscal year ending September 30th, 1914.

For school libraries there has been expended during my administration fourteen thousand and sixty dollars—an expenditure which had not been made during the preceding administration,—which payments were made upon the payment of double this money by the respective schools and counties of the State.

For the erection of rural school houses the State has paid \$229,328.60, which is a new burden upon the State treasury,—the State paying this money upon the payment of a similar amount by the respective counties. Although this was also a

new burden upon the State treasury yet, I do not believe any intelligent citizen in Alabama doubts that this expenditure was not only necessary but essential. The result of this expenditure is that Alabama today has better rural school buildings than ever before in its history.

The Court of Appeals was also established during my administration and imposed additional expense of about seventy thousand dollars during the four years of my term. The wisdom of the creation of the court has been fully established by its relief of the congested condition that existed in the Supreme Court of the State and by securing a more speedy administration of the law.

The duties and powers of the State prison inspector were considerably enlarged by the Legislature in 1911, with the necessary result that the expenditures of this department were increased. The total amount expended for this department during my term being \$36,365.12.

Another additional charge upon the State treasury was an appropriation of \$25,000.00 for the employment of farm demonstrators in every county in the State, which meant about one hundred thousand dollars during my administration.

There was also expended during my administration the sum of fifty thousand dollars for the Governor's mansion, and also one hundred thousand dollars for the erection of a new wing of the capitol.

By the act approved February 9, 1911, the Legislature made an appropriation to be expended by the Alabama Polytechnic School for the advancement of agriculture—eradication of the boll-weevil and other agricultural purposes—the sum of \$27,000 annually.

There was also an appropriation made for State fairs, part of which I released, to-wit, the sum of twenty-four thousand dollars.

It will thus be seen that at least five hundred thousand dollars of fixed annual appropriations, to which no conditions were attached, were made by the last Legislature,—and conditional appropriations of more than a million dollars annually. These fixed annual appropriations were necessary for the proper administration of the State government, but instead of providing the means for meeting these appropriations the Legislature in 1911 reduced the valuation of property in Alabama to a sixty per cent basis, which the Supreme Court on a test case made through my authority, declared to be constitutional. It will thus be seen that while enormously increasing appropriations

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and fixed charges upon the State government, the Legislature reduced the taxable income of the State forty per cent.

If all the property in Alabama was assessed at its actual market value, with six and one-half mills as the maximum basis of taxation, with other receipts, there would be more than enough money in the treasury to meet every appropriation, both fixed and contingent, and a large surplus would result.

Even though the tax-payers of the State are relieved of forty per cent of the amount they should have been taxed, owing to the increase in wealth and population and the activity of the State tax commission and other efforts made by my administration to increase our revenues, receipts for the fiscal year ending September 30th, 1915, will be seven million dollars, not considering any increased receipts which may arise from the convict department, from licenses and other sources of revenue. This sum will be several hundred thousand dollars in excess of the disbursements for this year, if the disbursements for this year are the same as for 1914. We can confidently expect that the expenditures for 1915 will not exceed those for 1914.

I therefore urge that the present law fixing the basis of assessments at sixty per cent of the actual value of property be repealed. That all property be assessed at its actual fair market value and that the Governor and the State tax commission be authorized by law to fix the percentage of assessment, at such figure as in their judgment may be necessary to meet the necessary disbursements of the State government.

In my opinion, if the percentage of assessment was increased to sixty-five per cent of the actual market value of taxable property, there would be more than sufficient revenues to meet all the obligations of the State and leave a reasonable surplus in the treasury. It is therefore useless to discuss the issuance of bonds to meet the State's obligations, when by increasing the percentage of assessments to seventy-five per cent on actual value, we can readily pay all obligations of the State, including the deficit which now exists. Even if the rate of State taxation of six and one-half mills for State purposes, was levied on the actual value of property, our rate of taxation would still be less than most of the states in the Union and would not be onerous or oppressive. Notwithstanding the increased fixed charges upon the State treasury of five hundred thousand dollars a year as well as contingent appropriations of over a million dollars, a part of which I have been forced to release, the disbursements during my administration have been practically only two hundred thousand dollars more annually than the receipts. The-

disbursements of my predecessor were practically three hundred and eighty thousand dollars annually in excess of the receipts.

The State now appropriates from its treasury for common schools, in addition to the three-mill tax, and other sources of revenue, \$350,000, the entire appropriation being \$600,000 contingent upon the approval of the Governor.

Alabama contributes more from its general revenues for elementary education than any state in the Union, about 70% of all the appropriations for the public schools now coming from the State treasury. If you submit an amendment to the constitution authorizing local taxation, both county and school district, the common schools could be properly maintained by a system of local taxation. I would therefore recommend that upon the submission of this constitutional amendment, the present law making this appropriation of \$600,000 to the public schools be repealed. The opportunity would then be left to the people of State, by a system of local taxation, to provide this and additional revenue, thereby greatly increasing the efficiency of our school system and relieving the State treasury of an unnecessary burden.

LOCAL OPTION

During the past six years this State has been deeply agitated by conflicting political theories with reference to dealing in intoxicating liquors. It appears from four elections, that the people of this State are still firmly committed to the essential doctrine of our race—local self-government. It is to be hoped that fanatical zeal and partisan interests will not again divert your attention from the real and pressing problems of the State upon this subject. If a conclusion has ever been reached on any political or social subject, the people of this State have certainly and most emphatically declared themselves to have reached such a conclusion with reference to the question of prohibition. In four general elections, during which this subject was the principal issue discussed, the people of this State have declared themselves as adhering to the fundamental political doctrine on which all our liberties rest, namely, the right of each community or unit to determine for itself the conventional laws which shall operate upon it. It has been demonstrated time and again in this State, that it is impossible to force a body of free people to regard or enforce a law to which they do not subscribe. It has been demonstrated time and

again that the passage of a law which has not behind it the consent of the people, to whom it applies, brings into disrepute all other laws and tends to inaugurate a situation which disregards all law. The preceding Legislature undertook to deal with the question of prohibition and wisely did so. It recognized the large sentiment existing against the dealing in intoxicating liquors and remitted the question to each county under the principle of local self-government. Under the existing laws there are eight counties out of the sixty-seven within the State of Alabama in which intoxicating liquors are sold. It is a matter of common knowledge that the evils of intemperance in these counties are vastly less than when under the State-wide law, the sale of intoxicating liquors was entirely prohibited therein. The report of the attorney-general shows that in these counties where the will of free American citizens were consulted as to their local government, that all the laws were better observed than during the period when a law to which they did not subscribe was forced upon them. Under the local-option bill there was very much less public drunkenness and very many less cases in the criminal courts whose conception was connected with the use or abuse of intoxicating liquors, than during the period in which it was legally prohibited and by common consent illegally used. I particularly desire to direct your attention to the fact that the fundamental doctrine of local self-government to which the English-speaking people have always adhered and to which their power and glory is to be attributed, does not yield an exception with reference to dealing in intoxicating beverages. Whenever, with reference to any subject, the Legislature imposes upon any community a rule of conduct to which the majority of that community does not subscribe the Legislature then and there offers an inducement to the violation of law and with futile effort endeavors to strip from that community that personal and communal independence which from the beginning has been its inheritance. In discussing this subject with you, I shall but emphasize with all the force at my command, that there can be no effective law operating in any community where the ideas of the majority of that community are in conflict with the law. It does not matter with what subject the law deals. A law to be effective is merely the crystalization of the public sentiment of the particular community and any legislation which undertakes to deny any community the right to have its own ideas on this question is a vain and ineffective law. This, of course, is the primary consideration in all matters with which you deal. I will, however, in

connection with the subject of prohibition, direct your attention to the fact that the State of Alabama is deeply in debt and that its current expenses are considerably in excess of its income. The State has received since the passage of the Smith and Parks bills annually the sum of \$85,312.84 from the legalized sale of liquor. If this amount of revenue is cut off by a State-wide prohibition bill, the State must default upon some of its numerous trusts and obligations, unless, to supply the deficiency heavier taxes than those under which the people now groan, are imposed. It occurs to me that it would be a most ill-advised action of the Legislature at this particular period to cut off from this State an annual income of \$85,312.84, and substitute a heavier taxation to replace it. The platform adopted by the Democratic party in general session is binding upon every democratic office-holder. This platform declares in emphatic terms for local option, and I can conceive of no circumstances or conditions which would justify any legislator elected by democratic voters to disregard the mandate of the Democratic party. The people of this State in the past six years have given repeated and emphatic verdicts upon this question. In 1909 there was submitted to the people of this State an amendment to the constitution, whereby prohibition was sought to be placed in the organic law. This amendment, despite the most vigorous propaganda in its favor, was defeated by an immense majority. A short while later in the campaign for Governor, the people declined to elect as Governor the standard-bearer of the prohibition party, and did elect a candidate who stood for the principle of local option. Since then, in the primary election to choose a United States Senator, Mr. Hobson, supported by all the forces of prohibition, was decisively defeated by Mr. Underwood, who stood for the principle of local option. In every election in which the people of this State have had the opportunity to express themselves they have repudiated the idea of prohibition and have declared themselves in unmistakable terms in favor of local-option.

TAXATION.

It is the purpose of all methods of taxation, as far as possible, to secure equalization of burden. The most fundamental evil in our methods of taxation is the uncertain and gross inequality in the assessment of property. While the law contemplates that all assessments shall be made by the county assessor, as a matter of actual practice, they are chiefly made-

by the property owner or his agent. The first step, therefore, to improve our tax system is to require our tax assessors to actually assess property, remove him from local influences and control, and make him as he should be, subordinate and under the control of the State tax commission. Power cannot be conferred upon the Governor to remove a tax assessor, under the provisions of the present condition. To reach the evil that now exists, a constitutional amendment would probably be necessary, making the tax assessor appointive by the Governor or by the State tax commission, with the approval of the Governor, and subjecting the assessor to removal for cause.

I believe a most effective step in reform would be to take away from the present commissioners' court and boards of revenue in the State, the power now vested in them by law in reference to matters of taxation, and that a special board should be created to exercise all their powers and jurisdictions,—this board to consist of three members, one of whom shall be appointed by the Governor, one by the governing body of the largest municipality in the county, and one by the court of county commissioners or board of revenue, this board to be known as the *county board of equalization*. By this method, the State, county and principal municipality would be represented on the board. This board should also be given the power to establish a subordinate board, consisting of three members in each precinct of the county, or such other subdivision of the county or city as may to them seem proper; this board, where practicable, to be composed of an expert in real estate values, an expert architect, and a practical business man; this subordinate board to make the assessments in each precinct, subject to the revision of the county board of equalization. The officials entrusted by the constitution with the framing of the revenue law, the Governor, the attorney general, and the State auditor have completed their labors and I will submit to you in a separate message the bill which they prepared and the changes which they have made and the reasons which induced them to make the changes embodied therein.

There are many corporations doing business in the State that are not qualified as provided by the Constitution. I would therefore suggest that the secretary of State be required monthly to file with the State tax commission, a statement of all permits issued by him to foreign corporations to do business in this State, and in connection therewith, to state whether or not such corporations had complied with the provisions of law by filing with him a copy of the articles of incorporation, and

designating a known place of business in this State and the agent thereof, and if so, the name and address of such agent. He should also be required to report to them at the same time all foreign corporations which have qualified during the preceding month by filing copies of their articles of incorporation and designating a known place of business and an agent thereof. The State auditor should also be required to report monthly to the State Tax Commission, all foreign corporations which have paid their entrance fee through him as State auditor, stating therein the amount invested in this State as shown by the certificate filed with him. The various judges of probate should also be required monthly to report to the State tax commission a complete list of all corporations, both foreign and domestic, which have paid their corporation franchise tax to such judges of probate, and also a list of all domestic corporations, the articles of incorporation of which have been filed in his office, stating the amount of capital stock paid up and the amount authorized. It should be made the duty of the State tax commission to carefully check these reports with the records of the secretary of State and determine therefrom whether any foreign corporation is doing business in this State without having qualified as provided by constitutional provision, and if so, to instruct the attorney general to proceed against them for the collection of the penalty provided by law.

Before a just and scientific system of taxation can be perfected in Alabama, the present Constitution of the State must be changed. The present constitutional provisions as to uniformity of taxation have become obsolete. A large number of progressive states permit their legislatures to classify property for the purpose of taxation. As Justice Brewer of the Supreme Court of the United States said, "A system that imposes the same tax upon every species of property, irrespective of its nature, condition, or class, will be destructive to the principles of uniformity and equality of taxation and of a just adaptation of property to its burdens."

A strict and rigid rule of absolute uniformity wherever required by the Constitution should be so amended as to permit specific treatment of certain classes of property with proper restrictions against unfair discrimination.

There are many other provisions of our Constitution which unwisely shackle the legislative power as to taxation, which will be more fully discussed in a special message that I shall submit on the necessity of a constitutional convention to frame a new Constitution for the State.

CONVICT DEPARTMENT.

THE LACY STEAL.

The term of James G. Oakley, whom I appointed president of the board of convict inspectors, expired on the 4th of March, 1913. While the receipts of the department under his administration were in excess of those of his predecessor, yet in view of the improved business methods inaugurated and the better contracts which had been made, I had expected the earnings to be considerably increased. Being disappointed in that expectation, in the latter part of the year 1912 I detailed several examiners of public accounts, with instructions to make a thorough and complete examination of every branch of the convict department. Moreover, as the time was rapidly approaching when it was my duty to determine whether the members of the bureau should be reappointed, it was important that I should receive full information as to the management of the department. It was well understood that upon the result of that examination I would be guided in making appointments for the ensuing term. It is true that under the provisions of law in reference to examiners of public accounts, I could only require the examiners to audit or examine the books of those officers receiving or disbursing funds belonging to the State or any county in the State. As there was no other officer of the convict department authorized to receive or disburse funds that belonged to the State except the president of the board of convict inspectors, I would have complied with the terms of the law by confining the examination to the books, accounts and vouchers of the president of the convict board, kept in the office at Montgomery. I did not, however, limit my examination to the strict requirements of the law, but directed the chief examiner of public accounts and his assistants to make a complete investigation of the books and accounts of the State's cotton mill at Speigner and the books and accounts of each and every warden at every prison and camp in the State hiring State convicts. It was my purpose to ascertain whether every dollar due the State of Alabama from convict hire or from other sources, had been paid into the State treasury.

All the revenues of the convict department are derived from the following sources: The cotton mill at Speigner, the farms at Speigner, Wetumpka, the farm known as Number Four, and the contracts for hire of convicts made with different contractors in the State.

seventeen thousand dollars. On Wednesday, March 12th, Mr. Evans again reported that a more thorough examination of the books at Speigner showed that there were five items amounting to about twenty-eight thousand dollars of cotton goods shipped to Goodin-Reid & Company, of Cincinnati, which were not entered upon the books of the convict department at Montgomery. I then instructed Examiners Evans and Brooke to immediately ascertain whether the amount of these sales had been deposited in the State treasury. On the same day the attorney general was called into consultation and we fully discussed the question of whether the facts in my possession authorized criminal proceedings against the president and chief clerk of the convict department. The attorney general suggested that the State had no positive proof that the goods shipped to Goodin-Reid & Co., had been paid for, or that if paid for and not entered upon the books of the convict department that the proceeds had not gone into the State treasury and that the evidence in my possession did not sufficiently indicate who was the guilty party, if there had been a criminal misapplication of the funds. Accordingly a wire was sent to Goodin-Reid & Co., to ascertain whether they had paid for the amount of the shipment as shown, and to whom and how paid. Meanwhile the examination of the books in the convict department which was proceeding, was delayed by the absence from the department of both the president and the chief clerk. I accordingly handed Examiner Brooke a letter to the chief clerk instructing him to at once turn over to the examiner all correspondence, deposit-slips, and monthly statements of the banks with which the convict department made deposits. My purpose in doing this was to ascertain whether the amount of the proceeds of the goods shipped to Goodin-Reid & Co. had or had not been turned into the State treasury. During the afternoon of the day I directed Examiner Brooke to deliver my letter to the chief clerk, Mr. Brooke informed me that he had been unable to deliver this letter to the chief clerk or to the president of the convict department on account of their absence from the office. I immediately wrote another letter to Chief Clerk Theo Lacy, informing him that "Examiner Brooke tells me that you have not been in your office since my letter was written," and I therefore again repeated my demand and instructed him that if he was unable to come to the office, to deliver the keys of his desk to Inspector Greer, who was the only officer of the convict department in the office at the time. Inspector Greer was instructed to find Theo Lacy and if he declined to return

Under the provisions of the law, it is made the duty of the president of the board to cause to be made out an account on the first day of each month against each contractor, showing the number of convicts and the amount of hire due by each contractor for the preceding month. Copies of this account are required to be furnished to the contractor and the State auditor. Within ten days after receiving such account, each contractor is required to settle and pay such accounts to the president of the board of convict inspectors. It will therefore be seen that the account against each contractor is kept both in the convict department as well as the office of the State auditor. It was evident, therefore, that any errors, irregularities or fraud in the collection of the moneys due by the contractors could be easily detected and would hardly be undertaken. Such conditions, however, did not exist at the cotton mill at Speigner. Cotton goods were being constantly shipped and checks in payment of the shipments received all along during the month. I therefore reached the conclusion, that it was necessary to make a complete examination of the books of the cotton mill at Speigner and compare them with the books kept at the office in Montgomery, for I had reached the conclusion that if there was any misappropriation of the State's moneys, it would most probably occur in the revenues arising from the sale of cotton goods. Accordingly, I detailed Examiner Evans to make an investigation of the books at Speigner, giving him full and specific instructions as to the character of examination to be made and impressing upon him its importance and the necessity of strictest secrecy. Examiner Brooke was detailed to make a careful examination of the office of the convict department at Montgomery. On Tuesday morning, March 11th, Examiner Evans reported that he had discovered that entries made upon the books at Speigner did not appear to be entered upon the books of the convict department at Montgomery. After a conference with Chief Examiner McCall, Examiner Evans was instructed to return to Speigner and carefully examine the bills of lading so as to ascertain whether these shipments had been actually made, and telegrams were also sent to the parties to whom the goods had been shipped to ascertain whether payments had been actually made. While this investigation was proceeding, I sent for the president of the board of convict inspectors, but as he was absent, I instructed his chief clerk to deposit in the State treasury the amount which he claimed his books showed on that day was due the State by the convict department, to-wit: the sum of one hundred and

to the Capitol, to get his keys and take possession of his desk and deliver all the papers therein to Examiners Brooke and Evans. In the meantime, on the same day, about noon of Wednesday, Mr. Dan Trawick, Assistant Clerk in the convict department, informed me that he had turned into the State treasury the \$117,000 due from the convict department. On the same evening, not being able to locate Chief Clerk Theo Lacy, I called up the president of the convict Board, James G. Oakley, at his residence, who informed me that he was confined to his bed by illness and that the doctor had prohibited him from leaving his residence, that Theo Lacy was intoxicated but would promptly be on hand when the office opened on Thursday. On Thursday morning Mr. Oakley came to his office and Chief Clerk Theo Lacy's desk was opened and the papers examined by Mr. Brooke. On the same morning I was informed that the \$117,000 which I had supposed had been deposited in cash with the treasurer, had, in fact, consisted of two checks drawn on the First National Bank of Birmingham and the American Trust and Savings Company of that city, making a total of \$117,000, and had been turned down by these banks because there was no money on deposit to the credit of the convict department. I thereupon had a warrant sworn out for the arrest of Chief Clerk Theo Lacy, and as he could not be found in the city I had the sheriff to wire different police officers and detective agencies throughout the country, with his full description, and a reward for his arrest. I also employed the William J. Burns Detective Agency, and instructed that company to spare no expense to secure Lacy's speedy apprehension. Notwithstanding the active efforts of the William J. Burns Detective Agency, State authorities and other private detectives who had been employed, Lacy was successful in avoiding arrest and therefore on the 8th of April, 1913, I increased the amount of the reward to \$5,000.

Although I had supplemented the aid of the Burns Detective Agency with a number of private detectives, with chiefs of police of Birmingham, and Montgomery and a number of sheriffs in other counties, although communication had been had with the State Department at Washington to bring to the State's aid the diplomatic services in Spanish and British Honduras, to which countries it was rumored Lacy had fled, all efforts had proved unavailing and the Burns Detective Agency, upon my complaint that notwithstanding the great expense which their employment occasioned, no results had been accomplished, advised me that their further services would be un-

availing and that they believed no good results could be accomplished by continuing longer in the employment of the State. I thereupon employed another detective, who was recommended to me as efficient and unusually successful in securing the apprehension of criminals, and he continued in the employment of the State until the twenty-ninth of January, 1914, when Theo Lacy surrendered to the sheriff of Montgomery county.

Since that time Lacy has been convicted in two cases for embezzlement and grand larceny and a sentence of ten years has been imposed in one case and of six in the other and both of which have been appealed to the Court of Appeals. Other cases are pending against him undetermined.

Immediately after Lacy's flight I ordered a thorough investigation of the convict department. Under the laws of Alabama, the chief examiner of public accounts is authorized to conduct any investigation of any department of the State and under this authority this investigation was made. The attorney general together with Hon. R. B. Evins and Messrs. Steiner, Crum & Weil, who were employed as special counsel, conducted this investigation, and made a thorough and complete examination of each and every branch of the department. This examination was held at the Capitol and a vast number of witnesses were examined, every rumor was run down and every scrap of information obtained was investigated. Examinations were held openly, to which the public were invited and through the public press I urged every person in the State who had any knowledge of any mismanagement of the convict department or any information of any kind or character to appear and testify. In order to obtain as complete information as possible, to probe every bit of gossip or rumor which were current, and in order that every possible scrap of information that could be obtained or that could throw any light on the subject, the strict rules of evidence as to the admission or exclusion of testimony were disregarded. On the first day of the examination, upon the completion of the examination of Mr. Chas. Harold, the attorney general and the special counsel for the State came to my office and informed me that the evidence already developed convinced them that the President of the Board of Convict Inspectors, James G. Oakley, was a party to the Lacy steal and recommended his removal from office and his immediate arrest. In accordance with this recommendation, I immediately caused warrants to be issued for the arrest of James G. Oakley, which warrants were promptly ex-

ecuted, and before night he was in custody. As Mr. Oakley's term had expired, I immediately took charge of the convict department and managed same until I appointed Hon. M. B. Wellborn as President. Mr. Wellborn served about a month and was succeeded by the appointment of Hon. Hartwell Douglass who is now discharging the duties of that office.

I hereby transmit for your information and consideration a full and complete type-written copy, transcribed from the stenographic report of the testimony, as well as all others documents offered in evidence in the investigation of the convict department conducted before Examiner McCall at my direction.

In the preparation of the indictments and in the trial of both Oakley and Lacy, the State was represented by the solicitor, the Attorney General, and by special counsel whom I employed, Hon. Frank S. White, Hon. R. B. Evins and the firm of Steiner, Crum and Weil.

Mr. Oakley has been tried in Montgomery county on one indictment but was acquitted. He was subsequently tried in Shelby county and although the court charged the jury that under the undisputed evidence Oakley was guilty the jury nevertheless disregarded the positive instructions of the court and found the defendant not guilty.

Having information which led me to believe that some of the members of the jury in that case had been tampered with or improperly influenced, I requested the circuit judge to call a special term of his court and investigate the charge. The result was three persons were fined and imprisoned for contempt of court in improperly approaching and seeking to influence the jury in favor of Oakley, and one indictment was returned for bribery.

There are several indictments still pending against both Oakley and Lacy. In view of the character of the crime with which they are charged, the gross betrayal of trust it involves, I most earnestly urge that a special appropriation be made to continue the prosecution and the employment of special counsel, and that the hand of the State be not staid until they are either acquitted or convicted, not only in every indictment which is now pending but in any other indictments which subsequent developments may authorize.

The special counsel who have already appeared in the prosecution of this important case, have not been compensated on account of the decision of the Supreme Court which held the law in reference to special counsel fees to be unconstitutional

on account of a technical error in the caption of the bill. The special counsel employed should be properly compensated for the very efficient and valuable services they have rendered the State and should be paid sufficient fees to justify their continuing in the prosecution until all these cases are finally determined. Not only should these prosecutions be pressed with vigor and brought to speedy trials, but every other person whom subsequent development may disclose were in any way guilty participants in this steal of the State's moneys, should be brought to justice. Public officers who steal the State's moneys should be taught that swift and certain punishment will follow guilt. The fair name of the State demands that neither popularity, hosts of friends and partisans, wealth or influence, shall shield the guilty from punishment. All of the facts and circumstances connected with this theft—a greater crime against the State even than the Vincent defalcation, leads me to believe that it was not the result of a sudden impulse, but had for many weeks been carefully and deliberately planned and that subsequent developments will disclose that Lacy was but the weak and pliant tool of others, who conceived and carried out the conspiracy. The State should not, therefore, stay its hand, until each and every person who aided, or abetted, or was in any way a party to this crime, have been indicted and punished.

SUGGESTED REFORMS OF THE CONVICT DEPARTMENT.

Until the twenty-eighth of February, 1907, the moneys due the convict bureau were required to be paid to the State auditor, who certified and paid the same into the State treasury. Prior to that time the convict department handled no money whatever arising from the hire of convicts. The only duty which the convict board was required to perform, in reference to its revenues, was to render to the contractor an account showing the amount of their indebtedness, and this indebtedness the contractor was required to settle and pay to the State auditor, a bonded officer, within the first ten days of the month after the rendition of the account. On the twenty-eighth of February, 1907, this law was changed by requiring these accounts to be settled and paid to the president of the board of convict inspectors, who was required to make settlements with the auditor for the proceeds of such accounts on the first days of January, April, July and October of each year. This law affected a radical change in the handling by the convict de-

partment of the fund accruing to the State as the proceeds of convict labor. It is familiar history that the bill accomplishing this change originally contained a provision requiring a bond to the State from the president of the board of convict inspectors, that this provision of the bill was stricken out, a special bill introduced providing for a bond and this latter bill allowed to die on the calendar. The result of this change of the law is that the president of the board of convict inspectors is authorized without bond to retain money paid in monthly as the proceeds of convict hire for stated periods of three months each and that the State was unprotected against loss. There is no reason why funds due the convict department should be retained by the president of the board of convict inspectors one day, or one month, or three months. Being the property of the State of Alabama, as soon as these funds are received, their proper destination is the treasury of the State of Alabama.

This statute was in effect when my administration commenced and is still in effect. Commencing with my administration, I sought to avoid the evils effects of this statute by requiring the president of the board of convict inspectors to pay into the State treasury moneys which he collected, as rapidly as collections were made, and the records of the convict department show that this order was generally complied with except as to the amount of money which was secretly accumulated in banks and subsequently stolen by Lacy.

I would therefore recommend, that the act passed on the twenty-eighth of February, 1907, be repealed, and that the former law be restored, requiring all indebtedness to the convict department to be settled and paid to the State auditor and thereupon immediately certified and paid into the State treasury.

The statute which now permits the payment of these funds into the hands of the president of the convict bureau and there detained for three months, has no justifiable basis in business dealings.

If, however, you should not repeal this law, it will be necessary to amend it so as to require the president of the convict bureau to execute a bond in a sufficient sum to guarantee the faithful performance of his duties, and to require immediate payments, into the State treasury, of all moneys coming into his hands.

Under the law as it now and has formerly existed, disbursements by the convict bureau must be made on warrants drawn

by the auditor, upon approval by the Governor, and paid through the state treasury. In view of the fact, however, that there is paid into the hands of the president of the convict department annually the sum of over a million dollars, if the present law is allowed to remain, the State should be fully protected by an ample bond, not only by the president of the board of convict inspectors, but his chief clerk, and each of the inspectors.

BONDS OF WARDENS.

The wardens at the different camps and prisons in the State in the course of their official duties receive considerable property belonging to the convict department. They should each be required by law to make a sufficient bond.

COUNTY CONVICTS.

I earnestly urge that all distinctions between State and county convicts be abrogated.

County convicts should be governed by the same rules that apply to State convicts. Their hire, supervision and control should be placed under the management of the State board of convict inspectors. The present law does provide that the inspectors of State convicts can rigidly scrutinize and inquire into the treatment of county convicts, and report to the probate judges in writing the condition of such convicts. Yet under the law as it now exists, the State board of convict inspectors have but little, if any authority, to see that the county convicts receive proper medical attention, proper food and clothing and humane treatment. My four years experience in office shows that the principal complaints in reference to cruel or inhumane treatment of convicts have been confined largely to county convicts.

I have, after conference with the State board of convict inspectors, promulgated a number of rules for the government of county convicts, but on account of the limitations upon the power of the State it has been difficult, if not impossible, to secure that humane treatment for county convicts, which should be accorded to every person convicted of crime. Under the laws as they now exist, there is an absolute lack of proper supervision of county convicts, and the cruel, inhumane and brutal treatment to which they are subjected is a reproach upon our civilization and should no longer be tolerated.

The State board of convict inspectors should be entrusted with their hire, with full power to see to it that they are properly clothed and fed and receive necessary medical attention, that proper hygienic and sanitary regulations are enforced and the county be required to pay the expenses of their maintenance and supervision.

In view of the importance of the subject, I earnestly recommend that a special committee be appointed, with power to summons witnesses, take testimony, sit during recess and make a full report, with such legislation as may be necessary to correct evils which now exist.

In my judgment the only remedy is to place every convict in Alabama, whether State or county, under the control of a State board, vesting in this board the same authority as to county convicts as is now conferred upon them in reference to State convicts, with a proper division of expenses between the State and the counties affected.

Under the law as it now exists, the probate judge is required to furnish to the State board of convict inspectors, a full and complete list of each convict sentenced to hard labor who is worked out of the county, together with his name, age, sex, race, date of conviction, crime, term of sentence and amount of cost. The only penalty provided for the failure of the probate judge is impeachment. The result is that this requirement of law is very seldom complied with, and there is no record in the convict department by which it can be determined whether county convicts are detained after the expiration of their sentence or not—information on which the governor can exercise his power of parole or pardon or by which the board of State convict inspectors can exercise the required supervision.

Those convicts that are worked in the counties in which they are convicted, are under the supervision of no other authority save the court of county commissioners and no records of their names, dates of conviction and term of sentence or crime or any other information is kept in the convict department or any other department, easily accessible to the Governor or State authorities.

Under the miserable system which now exists, county convicts are frequently worked longer than the term of their sentence and the sentence is frequently longer than the law warrants. The statute provides that when a convict is sentenced to hard labor for the county on two or more convictions, the punishment of the second or each subsequent conviction, must

commence on the termination of the sentence for the preceding conviction, but that no person shall be sentenced to hard labor for the county so that the aggregate of the sentence on two or more convictions shall exceed two years for the crime or fifteen months for the costs. This provision of law is constantly being violated.

I therefore recommend that Section 7620 of the Code be amended so as to take from the trial judge any discretion to impose a sentence for a felony to hard labor for the county, or to imprisonment in the county jail, but that the sentence for all felonies should be to the State penitentiary.

No felon should be sentenced to hard labor for the county or imprisonment in the county jail, but all should be imprisoned in the State penitentiary.

I therefore recommend that all misdemeanants be sentenced to hard labor for the county, but that such hard labor for the county shall only be performed under the direction and control of the State board of convict inspectors, such misdemeanants being committed to their custody as felons are now committed, but to be worked entirely separate and apart from felons and to be imprisoned entirely separate and apart from felons; the State board of convict inspectors to feed, clothe, maintain and supervise such misdemeanants and after deducting from the gross earnings of such convicts, the cost of maintenance, feeding, clothing and supervision, said net proceeds shall be paid over to the county to the credit of the fine and forfeiture fund or for such other use as may be now or hereafter provided by law.

This necessary reform may make it necessary to add one or two more inspectors to the number of inspectors now authorized by law but its additional expense will be cared for by the proceeds arising from the labor of the county convicts.

BUSINESS METHODS.

During my four years service I have undertaken to establish thorough business methods in the management of the convict department.

Rules and regulations were adopted to correct the evils which were found to exist, continuous examinations made of all the camps and mines working State convicts, both by the State inspectors and by the State prison inspector. These new rules and regulations were modeled, after the most careful examination, from those used in other States, and which had been found from long usage to be most satisfactory. Due to the

mistreatment of county and municipal convicts, rules were prepared, printed and sent to all boards of revenue, which resulted in the correction of many of the evils found to exist and the abatement of the inhumane treatment which this class of prisoners had been receiving.

It was discovered there were no rules in reference to that class of prisoners known as "trusties" and that power to create "trusties" in order to prevent abuse, required positive rules and regulations. Under the rules as now prepared, any convict becomes entitled to certain privileges only after he has served a proper proportion of sentence and only as a reward for good conduct and good services. The wardens are required to keep a complete record showing the conduct of each convict, his obedience to rules and regulations, his temperament, tendencies, etc. Short time paroles were also authorized, to be granted only upon the recommendation of the entire board of convict inspectors, to those convicts who had earned that clemency by reason of the length of time they had served, the excellence of their records and services. Under the system that had grown up since the establishment of the convict bureau, certain convicts were made "trusties," as they are commonly termed, or allowed certain privileges at the option of the warden. This was discovered to have lead in some instances to abuse and favoritism and hence the adoption of the rules mentioned, by which all convicts were put upon equality and all are encouraged by their good conduct, to entitle themselves to the privileges which that class known as "trusties" are allowed to receive.

The president of the convict board informs me that no rule ever adopted by the convict board has done more to promote discipline, efficiency and good behavior on the part of the convicts.

PURCHASE OF SUPPLIES.

Under the rules that now exist, the purchase of supplies for the convict department is on a competitive basis, made after due notice to all dealers in supplies throughout the country, with the result that all supplies purchased for this department have been obtained at the lowest possible minimum price. Due to these business methods, the expenses of the convict department have not increased to the extent that would have been expected from the very decided advance in the cost of all supplies, and in the general cost of living.

The purchases of the convict department amount annually to over half a million dollars, and hence the importance of securing by competitive bids the articles needed at wholesale prices or at a minimum cost.

Hereafter, if my recommendation in regard to the creation of a State board of control is adopted, all the supplies of this department will be purchased by that board and the inspectors of the convict bureau given more opportunity to devote their time and attention to personal visitations and supervision of the different camps and mines with which the State has contractual relations.

RECEIPTS OF THE CONVICT DEPARTMENT.

According to the quardennial report of the board of inspectors of convicts, the department has made a most credible record for the past four years. The cash receipts during this period were \$915,056.24 in excess of the four preceding years. Net profits for the four years ending August 31st, 1914, were \$2,188,604.68, about \$481,958.81 in excess of the previous four years.

This large profit has not been obtained by curtailing the food, or clothing of the convicts. Notwithstanding the high cost of living, they are now better fed, better clothed, and receive more thorough supervision, medical attention and better hospital service than ever before in the history of the department.

For the first time in the history of the State, a tubercular hospital has been established, splendidly equipped and properly maintained for the care of all convicts affected with tuberculosis.

A Bertillon system has been established; the bathing facilities improved at every camp; both water and light furnished at Speigner and Wetumpka and at all other prisons working State convicts, and the most rigid hygienic and sanitary systems adopted.

I herewith submit for your consideration the quadrennial report of the board of inspectors of convicts, and call your attention to the recommendations contained in the report of the president of the board, the adoption of which will not only in my opinion increase the efficiency of the department but will encourage and promote the welfare and humane treatment of the convicts.

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With regard to placing the State convicts on the public roads, I call your attention to that portion of my message on GOOD ROADS on the subject.

EDUCATION.

The State has made commendable progress during the past four years in the cause of public education. For the fiscal year ending September 30, 1914, the State paid for the public schools and higher institutions of learning the total sum of \$3,386,866.20, and as the total receipts of the State for that fiscal year were \$6,636,319.27, it is evident that over fifty per cent. of the entire revenue of the State was expended in the cause of education.

In addition to the amount paid by the State, the counties, cities and patrons, including the one mill tax, paid for the last fiscal year, the sum of \$1,561,533.00, making a total of \$4,948,149.20 for public education in Alabama for the last fiscal year.

For the four fiscal years ending September 30, 1914, from October 1, 1910, to September 30, 1914, the State expended for the common schools and all other educational institutions, the sum of \$11,923,368.62, which was practically half of the entire revenue of the State during that period. If to this is added the amount expended by counties, cities and patrons of \$5,771,397.00, it would make a grand total of \$17,694,765.62 that the State has expended during the last four scholastic years.

For the four years preceding the first of October, 1910, the State expended for the common schools and all other higher institutions of learning the sum of \$9,023,086.70, which shows an increase in the expenditures by the State during the past four years of \$2,900,281.92. These figures show that the State is now expending in the cause of education more money than in any other period in its history.

Notwithstanding this enormous expenditure the percentage of illiteracy in Alabama is still alarming. What is the remedy? There are those who claim that the panacea for our educational ills can alone be found in increased State appropriations. I respectfully dissent from this conclusion. Those who advocate increased State appropriation overlook the fact that the State of Alabama is today expending more from her treasury for common schools than any other State in the Union. The last report of the State superintendent of education shows

that over seventy-two per cent. of the school revenue of the United States is raised by local taxation, the proportion varying from ninety-seven per cent. in Massachusetts to twenty-four per cent. in Alabama. Seventy per cent., therefore, of the moneys expended for the common schools in Alabama, comes through State appropriations. It is idle, therefore, to expect the State to contribute from its general revenues any further appropriations to common schools. We have reached the limit of our resources. The remedy, therefore, is not in increased State appropriations, but can alone be found in a proper system of local taxation.

While Alabama leads all of the Southern States in the amount of her State appropriations for the common schools, the percentage of revenue derived from local taxation is less than that of any of the forty-seven States of the Union, except Louisiana and Mississippi. An examination of statistics show that the larger and more prosperous States of the Union rely almost entirely on local taxation for the support of their elementary schools. It is only in those States where local taxation constitutes the chief source of revenue for the elementary and high schools, do we find the highest educational development and progress.

Massachusetts, which ranks highest in her elementary schools, contributes only one per cent. of its revenues from general taxation. Alabama is one of the few States of the Union that denies to her people the privilege of locally contributing to the support of their elementary schools. Such a policy is contrary to the teachings of experience and is without support from any consideration of a wise or sound educational policy. It tends to prevent local effort, to lessen local interest and is contrary to the principles of local self government on which our institutions are based.

A system of local taxation will stimulate local pride and create that local rivalry, which uninspired by any spirit of antagonism, seeks only to excel in the race for educational advancement. It will create that spirit of self reliance, independence and co-operative effort, that sustained and vigilant interest, without which the highest development in educational progress in the State is impossible. It will secure more adequate equipment, better schools, longer terms and better teachers. Moreover, it gives to each citizen a sense of individual responsibility and removes the idea that in educating his child at the public school, he is a recipient of public charity or public bounty. The necessary result of the policy which we have pur-

sued, is that the appropriations now made for the maintenance of our elementary and high schools constitute so severe a drain upon the State treasury as to make it impossible to provide adequate appropriations and equipment for the support and maintenance of our normal schools, the State University, the Alabama Polytechnic Institute and the Alabama Girls' Technical Institute. The wisdom, justice and necessity of supplementing State aid by a proper system of local taxation is conclusively demonstrated by the educational history of every State in the Union, and is advocated by every student and friend of educational progress. The arguments in its favor are too clear and convincing to be refuted and Alabama can never expect to take rank among the advanced States of the Union, in the progress and development of our elementary schools, unless State aid is supplemented by a wise and just system of local taxation, first by counties and then by districts.

STATE LEVY.

While I earnestly advocate both county and local district taxation, I do not wish to be understood as contending that a general State tax is not necessary. The whole theory of the State tax is based upon the principle that it is the duty of the State for the common good to secure equality of opportunity for every child in every county. There are some counties within the State where on account of the sparseness of population and lack of wealth, it is impossible to obtain an adequate system of public schools by county or district taxation, hence a State appropriation is necessary to supplement the inadequate revenues of the poorer counties, by proper contributions from the wealthier counties and communities of the State.

HIGH SCHOOLS.

The State is undertaking to provide for secondary education by locating one high school in each county. The support of these schools comes alone from the State treasury. In almost every county where these schools are located, competing towns and villages invariably raise the stipulated amount of \$5,000.00 and contribute the required five acres of land. Even in the poorer counties, where great wealth does not exist, the men of moderate means have sometimes been the most munificent in their contributions. This intense and earnest desire

of most of the counties to secure the location of a high school, proves that there exists a wide spread and most commendable interest in secondary education. In my judgment, with the passage of a constitutional amendment securing local taxation, the amount contributed by the State for the support of the high schools, should be conditional upon the contribution of a similar or greater amount by the county in which the school is located.

APPORTIONMENT OF FUNDS.

Section 256 of the Constitution provides "that the public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein." Experience has shown that this basis of apportionment is manifestly unjust and inequitable. The number of school children of school age is no indication of the number that may be enrolled in the public schools. The purpose of the Constitution was to equalize burdens and opportunities but the number of pupils on the school census and the number enrolled vary largely in each county. The unit of cost in the school is the teacher and not the child, and the apportionment should be made with reference to attendance and to the number of teachers. Our system fails to encourage or stimulate school attendance, leads to waste, favoritism and gross inequality and makes it to the financial interest of the teacher to discourage school attendance. It is evident that the smaller the number of children of school age who attend school, the smaller will be the number of teachers required and the larger in proportion in that county will be their compensation.

In order to illustrate the inequalities resulting from this method of apportionment, State Examiner Gorman, under my instructions, compiled a table showing the salaries and the attendance in the schools in the ten black belt counties, to-wit: the counties of Barbour, Bullock, Dallas, Greene, Hale, Marengo, Montgomery, Russell, Sumter and Wilcox. This table shows that the number of children between the ages of seven and twenty-one attending school in those counties was 12,868, and the amount paid for salaries was \$11,603.00.

In the ten white counties, composed of Baldwin, Blount, Cherokee, Clay, Cullman, Etowah, Fayette, Lamar, St. Clair and Winston, the number of children attending school was 28,440 and the amount paid for salaries of teachers was \$5,055.00. As the examiner states, these figures show that while

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the attendance in the schools in the white counties is nearly two hundred and fifty per cent. more than in the black belt counties, the average salaries are about four hundred per cent. greater than the salaries of teachers in the same number of white counties. These figures were made for the year 1913, but the examiner states there will be no material difference in the figures for 1914. The following is the table in detail on this subject:

Average Salaries.

	<i>Male.</i>	<i>Female Attendance.</i>	
Barbour	\$1,083.00	\$ 445.00	1848
Bullock	532.00	445.00	827
Dallas	631.00	447.00	1368
Greene	578.00	394.00	491
Hale	501.00	366.00	398
Marengo	477.00	280.00	1348
Montgomery	1,757.00	760.00	3427
Russell	564.00	457.00	816
Sumter	641.00	415.00	776
Wilcox	495.00	335.00	1069
Total	\$7,259.00	\$4,244.00	12868
Total Salaries		\$11,603.00	

Average Salaries.

	<i>Male.</i>	<i>Female Attendance.</i>	
Baldwin	\$ 374.00	\$ 248.00	1770
Blount	275.00	200.00	3374
Cherokee	283.00	236.00	2603
Clay	334.00	194.00	2798
Cullman	225.00	222.00	3938
Etowah	400.00	375.00	4100
Fayette	260.00	240.00	2921
Lamar	171.00	163.00	2523
St. Clair	281.00	230.00	2423
Winston	169.00	175.00	1990
Total	\$2,772.00	\$2,283.00	28440
Total Salaries		\$5,055.00	

These figures show that the average salaries of male teachers in Barbour county is \$1,083.00 as compared with the average

salary of a male teacher in Cullman county of \$225.00. The same disproportion exists as to salaries paid female teachers.

It will thus be seen that there was apportioned to these ten counties mentioned in the black belt for the fiscal year 1913 from the three mill tax and the poll tax the sum of \$410,709.55, used for the education of 12,868 children attending the schools in those counties; whereas there was apportioned the same year to ten white counties the sum of \$233,428.10 for the education of 28,440 children attending the schools in those counties. These figures show that the State paid for the education of each child that attended school in the black belt counties mentioned during the fiscal year 1913, and the figures will not vary for the year 1914, the sum of \$31.917 per capita; whereas it only paid in the white counties mentioned the sum of \$8.207 per capita. A table showing the number of children of school age that attended school in each county in Alabama during the past fiscal year, as well as the public school fund that was apportioned to each county is attached hereto and marked Exhibit "A." A study of this table will show that startling inequalities exist in each county as to the amount of money paid for the education of each child that attends school. The disproportion however, between the amount paid for the education of each child in the white counties is not so great as the amount paid for the education of each child that attended school in the black belt counties. These figures are taken from the report of the State superintendent of education and clearly demonstrate the fact that the evident intent of the Constitution makers to equalize educational burdens and opportunities has wholly failed and that that provision of section 256 of the Constitution which apportions the school fund in proportion to the number of children of school age therein, leads to gross inequality and favoritism and should be repealed. All children in Alabama of school age, attending the common schools, should receive as far as possible an equal proportion of the money appropriated by the State for elementary education. The present method of apportionment is unjust and indefensible and results in the drawing from the teacher of the public school any incentive to increase school attendance.

It has been stated that it required one-half a century of agitation to secure legislation "establishing the right of the State to tax the property of the State to educate the children of the State," and the final establishment of this principle marked the commencement of our present system of public schools. To-day it is generally recognized that a free common school education

is the birthright of every American child and that this free general education must be maintained by general taxation. By far the most important and fundamental question in our system of public schools, is whether the money now appropriated by the State is distributed in the best manner possible and whether or not by a change in the method of distribution, the burden of support of our public schools could not be greatly decreased, without impairing the efficiency of our system. All students on the subject agree, that an equal per capita distribution of funds as now required by our State Constitution is not an equitable distribution, is not based on sound principle and cannot afford the relief which should be given and is unsatisfactory and unjust. It does not accomplish the equalization of burdens and advantages and its abandonment in the interest of justice is the first and most important step in educational reform. Instead of stimulating communities to make every possible effort to increase school attendance and to improve school conditions and to awaken local pride, it tends to place all local effort at a discount and makes it to the interest of the schoolteacher to discourage school attendance. Under the Constitution and laws of Alabama, a census in July of every even numbered year and enumeration of all the children of school age residing in each school district is made. This method offers a constant temptation to communities to pad their census lists, so that the census money to be drawn may be larger in the total amount and in per capita value, on work actually done by the schools. It has been stated that this padding of the census, though often resorted to, is not easy to discover, for those lists are generally accepted without question. It is easy, however, to see that the more children of school age shown upon the census lists in each county, the greater will be the amount of school money distributed in that county, and therefore, a greater temptation to the teachers of that county to pad their lists. It is well for us to ask ourselves a question, "for what purpose is this money apportioned in each county? Is it to educate those children who are already being educated in the private schools and who do not attend the public schools? No. Its purpose is to educate those who would otherwise be denied an elementary education. It is evident, therefore, that the present method of apportionment gives the money of the State, to communities for the education of children, who do not attend and who do not expect to attend the public schools. This basis of apportionment does not take into consideration the number of children that attend private schools. It neces-

sarily follows that as private schools chiefly exist in the cities, this basis of apportionment gives the cities more money in proportion to the number of children who require elementary education than is given to the rural districts. The purpose of our law is actually defeated by this method. It has been truly said that where the census basis exists, communities are "stimulated to get every possible name on the census list but there the stimulation ends." What we should seek to encourage, is increased attendance and extension of the amount of instruction offered, better quality of teachers and more teachers, longer terms, thereby making the public schools even better than the private schools. Yet these important educational incentives are all ignored and disregarded by the census system. The larger the census list, the larger the amount of money apportioned to the county. The smaller the actual enrollment or attendance, the larger the salaries of the teachers and other school officials. No one can then deny that under the present system, we put an active and continual premium on non-attendance and encourage the school teachers of the country by considerations of their own personal interests to discourage school attendance. We must not forget as stated, that the real unit of cost in our public schools is not the number of children who may or may not attend but the cost of the teacher. It is estimated that the average number of pupils which a competent teacher can teach is about forty. It is evident, therefore, that a school with a teacher that teaches only ten pupils costs as much as a school where the teacher teaches forty. It is therefore, claimed that distribution according to the numbers of teachers employed is manifestly better and would be an improvement over the school census basis. The best authorities, therefore, on this subject, claim that the best possible basis for the distribution of school funds, is according to number of teachers actually employed and the daily attendance multiplied by the length of the term. There could not be a worse plan than the one that now exists in Alabama, one leading to more inequality, injustice or waste of our public money.

SUPERINTENDENTS OF EDUCATION.

Under section 1711 of the Code of 1907, county superintendents of education receive four per cent. commission on all State money disbursed, not exceeding \$1,800.00 per annum. Under the act approved April 8, 1911, the county boards of education were authorized to give the superintendents salaries instead of

commissions, the minimum salary being fixed at \$1,000.00 per annum but no limitation being placed upon the maximum salary.

The county boards of education may also employ assistant superintendents and fix their salaries. While the act approved April 8, 1911, enlarged and most specifically defined the duties of the county superintendents of education and made it his duty when required by the county board of education to devote his entire time to work of visiting and supervising the schools of the county and other duties, the office still remains elective by the people. I therefore re-affirm the recommendations I had the honor to make to the last Legislature of Alabama on this important subject. The interests of our educational system demands a more efficient system of county supervision and administration.

County superintendents of education should be selected by the county boards of education, the selection to be approved by the State superintendent of education, and should have a salary commensurate with the character of the duties which he is to perform. There is no more reason why the county superintendent of education should be elected by a popular vote than a teacher in the common or high schools should be elected by the same method. They should be selected solely on account of their qualifications and not by reason of partisan service or political considerations. The superintendent should be the leader of educational thought in his county; selected not on account of his popularity but by reason of his qualifications, not on account of his ability to electioneer and win votes but solely because of his capacity to advance the general school interests of his county. He should be thoroughly equipped for the proper discharge of his duties through experience, training and education, and should be required to give his entire time to the supervision and management of the elementary schools of his county. Not only should he be selected by the county boards of education, but that board should be authorized, if necessary to go outside of the county or outside of the State till they find the proper man. The county superintendents should be required to stand a civil service examination and no one should be selected who can not receive a first grade certificate.

SECTION 261 OF THE CONSTITUTION.

Section 261 of the Constitution provides that "Not more than four per cent. of all moneys raised, or which may here-

after be appropriated for the use of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the Legislature may, by a vote of two-thirds of each house, suspend the operation of this section."

The result of this provision of the Constitution is that from the munificent appropriation which the State annually makes for the support of the public schools, it is denied the privilege of constructing suitable buildings, with proper equipment. The result has been that our rural school buildings are poorly constructed, inadequate in size, and are lacking those important conditions, equipments and grounds which are so essential to the progress of elementary education. If a just and liberal proportion of the vast sums of money which the State has expended for the common schools could have been devoted to the erection of proper buildings, the purchase of suitable grounds, libraries and other equipment, the standard of our elementary education would have been advanced, better teachers would have been attracted, and the future of our common school system would be more encouraging and hopeful.

I therefore recommend the repeal of section 261 of the Constitution. Pending its repeal, I urge that the Legislature will **by a vote of two-thirds of each house**, as authorized by the Constitution, suspend the operation of section 261 and by specific legislation authorize the expenditure by the State of such proportion of the public school funds for the construction of suitable school houses, and purchase of grounds and equipments as they may deem advisable.

When the States of the Union first undertook to provide elementary education for the people, it was deemed the duty of the localities where the schools were located to furnish the necessary buildings and equipments. That, however, was in the infancy of the public school system and since that time it has been generally recognized that it is the duty of the State not only to pay the teachers but to furnish the necessary buildings and equipments. It is now generally considered as much the duty of the State to provide suitable buildings as to furnish an adequate teaching force. We cannot secure the best system of rural schools until we adopt some system of concentration or consolidation. There should be, wherever practicable, consolidation of groups of poor schools into one school, better equipped, organized and taught. All students of our elementary system of education agree that the most efficient work is done by schools in which not less than three teachers

are employed. The single school house with one teacher has not proven effective and should be superseded by schools in which not less than three teachers are employed. We have in Alabama too many little red school houses. We need larger buildings and greater consolidation of these groups of single school buildings, where the pupils are badly housed and badly taught.

Many of the progressive States of the country realize that it is the duty of the State not only to furnish the school houses, but suitable homes for the teachers. Where the State provides homes for the teachers, it has been found that a higher grade of teachers can be secured, that they are more contented and are more apt to remain for a longer time where they are comfortably located. I therefore most earnestly endorse the recommendations of the superintendent of education on the subject of the importance of consolidating groups of badly scattered single schools and I believe the adoption of legislation on this subject will do much towards improving our entire public school system.

STATE BOARD OF EDUCATION.

A study of our educational needs clearly shows that the present Constitution has checked our educational growth by denying the county and school districts of the State the right to supplement State aid by local taxation. Every student and authority on elementary education admits that no permanent successful system of elementary education can be maintained which relies entirely upon State aid and not upon local taxation, initiative and effort. Next to the amendment of the Constitution as suggested, the most important step in educational reform in my opinion is the establishment of a State board of education with full administrative powers.

Section 262 of the Constitution provides that the supervision of the public schools shall be vested in a superintendent of education. With the varied and numerous duties imposed upon him by law, it is impossible for the State superintendent of education to give effective and proper supervision to all the elementary schools in the State.

I therefore urge the creation of a State board of education, vested with the very fullest administrative powers, authorized to coordinate our entire educational system, to prevent duplication and waste, to employ suitable agents and experts, and to prepare and recommend suitable legislation.

The State superintendent of education should be made the chief executive officer of the board and ex-officio member, and required to act as its secretary. The experience of states where similar boards exist clearly shows the best results in educational progress and advancement have been secured through the agency of a body of this character. A bill embodying these reforms will be presented for your consideration.

The State board of education should be entrusted with the management and control of our normal colleges, agricultural—district schools and high schools and should supersede the boards now established for the management of these institutions. I believe that the management of all of our educational institutions, including elementary schools, high schools and normal colleges by one board would secure more economy and efficiency in management. This educational board should not be composed entirely of educators. It should be composed of seven members, at least two of whom should be experienced business men, the Governor and State superintendent of education to be ex-officio members, the State superintendent of education also to be its secretary.

TEACHERS.

In his admirable report, the superintendent of education says: "There is apparently a scarcity of teachers holding first and second grade certificates and a surplus of those holding third grade certificates." In reference to their training and experience the superintendent says, there is a considerable number who have not so much as completed the elementary course of study covering certain grades and that only seventy-five per cent. of the teachers claim to have had any training whatsoever above the seven elementary grades. The report further shows that during the last scholastic year 7,522 white teachers taught in our public schools. From this report therefore the following surprising facts are deducted:

1. That one-fourth of the teachers in Alabama have not completed the elementary seven grade course of study.
2. That out of the large number of teachers employed in the white schools, only five hundred out of over seven thousand, have had any training above the high schools.
3. That seventy-five per cent. of the teachers now employed in the white schools admit they have had no training whatever above the seven elementary grades.

It is therefore rather discouraging to learn that one-fourth of the enormous revenues annually expended for the payment of teachers is paid to those who have not even completed the seven grade elementary course of study. One-fourth of the teachers in Alabama, according to this report, are not prepared even to enter a high school.

The question therefore necessarily arises, whether from the millions of dollars annually expended by the State in the payment of teachers, we are receiving proper returns; whether the money is being wasted or judiciously and wisely expended. It is rather difficult to understand how teachers who have not themselves been taught, are competent to teach others.

This report also shows that the average term of service of teachers who attended our institutes last summer was only 4 $\frac{3}{10}$ years of seven month each, and that only one-fifth of that time was spent as teachers in the school in which they were last employed.

The most crying need therefore in our system of public schools is better teachers and better school buildings and equipments. I believe our laws should be so amended as to authorize the employment of teachers from any other State, who are graduates of reputable normal schools or who bear with them certificates of superintendents of education of their states, showing their proficiency.

I also believe that our school laws should be so amended as to prohibit the granting of anything except first and second grade certificates. Those who have only received third grade certificates are necessarily unable to render efficient service and we cannot expect much progress or development in our elementary schools as long as we rely upon their being taught by so large a number of teachers holding third grade certificates.

This report also shows that 1,790 negro teachers were enrolled in our institutes during last summer and only one per cent. of whom held first grade certificates, thirty per cent. holding second grade, sixty-five per cent. third grade and four per cent. life certificates. The same reforms therefore are necessary in reference to the teachers in our negro schools.

The character of teachers now provided for our elementary schools, their want of training, experience and efficiency, emphasizes the importance of requiring our normal colleges to devote all of their efforts to training teachers for work in our elementary schools. The normal colleges have been too much inclined to do the work of local high schools and have to some

extent neglected their initial duty of preparing teachers. The rules which the normal school board adopted last year has largely overcome this tendency, has provided uniform courses of study and has sought to make them what they were intended to be; schools organized solely for the preparation of teachers for the elementary and high schools in Alabama.

It is our duty by wise and just laws as far as possible to eliminate waste of the public moneys, to secure better buildings and more efficient teachers.

NORMAL SCHOOLS AND NORMAL SCHOOL BOARDS.

Before the State can make the greatest possible progress, her entire educational system should be revised, harmonized and co-ordinated so as to prevent unnecessary duplication and waste, and secure the greatest possible efficiency and economy. The State now maintains six white normal schools and makes appropriations for three normal schools for negroes.

When I entered upon the discharge of my duties, each normal school was under the management of a separate board of trustees. Upon my recommendation the last Legislature placed all of the white normal schools under the control of one board of trustees, thereby removing from the administration of these institutions the evil effects of local influences and jealousies, and creating that unity of harmony and action, of interest and effort so necessary to their best development.

This board has been efficient and active in the discharge of its duties. It has unselfishly given to the study of the various problems and perplexing questions which have arisen in the management and control of these schools painstaking consideration and study. The members of the board have personally visited each of these schools and have thus been enabled to make comparison of the management, administration and work of each, to study their needs and have thereby been enabled to make many important reforms.

Under the wise management of the present board, many new buildings have been constructed, new equipment purchased and uniform courses of study established, and a high standard of admission and scholarship exacted. This board has especially emphasized the importance of confining these institutions to the work for which they were primarily established—the training of teachers—and have rigidly enforced a course of study which will prepare their graduates for the work of teachers.

When the board first entered upon the discharge of its duties they discovered that there was a tendency on the part of some of these schools to undertake to do the work of county high schools and even of the elementary schools. The courses of study at each school was different, there being a total lack of uniformity. Many of these evil tendencies the board has corrected, courses of study and text books have been made uniform, the standard has been raised and the curriculum so framed as to accomplish the chief purposes for which these schools were established.

I herewith submit for your consideration the report of this board and the recommendations which they make. The State no more needs six normal schools than it does six universities. If we were now for the first time establishing a system of normal schools, I believe that two would be sufficient. Yet as we now have six in operation I endorse the recommendations of the board that the four normal colleges now classed as "A" be retained and that the normal schools at Moundville and Daphne be converted into high schools. With the present appropriations and equipment, the schools at Daphne and Moundville cannot be expected to train teachers or perform the functions of normal schools. Their buildings, equipment and teaching force is utterly inadequate for such a purpose. To undertake therefore under these circumstances to maintain these six schools as normal schools, would only result in a waste of the public money. I am convinced that you will ignore local considerations and consider only the interests of the public school system, now so solely in need of well and properly trained teachers. If heedless of our own and the experience of other states, we should continue the policy of duplication and waste which has marked the course of our educational development by the retention of these two schools as normal colleges, we would discourage the earnest efforts now being made to reform our educational system and only injure the cause which we all desire to promote.

The four normal colleges to be retained require additional appropriations and equipment. They need additional dormitories and an increased teaching force, all of which will be fully outlined in the reports submitted by the presidents of these institutions and the State normal school board.

It is a waste of the public moneys to expend millions of dollars for incompetent teachers as the State is now doing. Both from the stand point of efficiency and economy we should at once proceed to elevate the standard of our nor-

mal colleges and largely increase their fields of usefulness and enable them to furnish a sufficient corps of trained, efficient and educated teachers to supply the pressing needs of our elementary and high schools.

We must remember that the elementary, the high schools, the technical institute at Auburn and the Girls' Technical Institute at Montevallo and the State University are all parts of one harmonious educational system. We cannot expect improvement in our elementary schools without a better teaching force, and we cannot get a better teaching force until we equip the normal schools to furnish them.

SCHOOLS.

We must elevate the business of teaching to the dignity of a profession.

As shown by the reports of the State superintendent, our teachers seldom remain in one school much over a year. They come and go.

The boys and girls who constitute the bulk of our teaching force seldom expect to make teaching their life work. They engage in it either to carry out obligations they made when they entered the normal schools, or as the only available method of earning a living, expecting, as soon as opportunity offers, to enter some other business or profession. They too often lack any love for their work and that enthusiasm or that spirit of service which should animate those who have in their keeping our most valuable possession—the power to mould the future destiny of those who will constitute the citizenship of the State.

When we consider that one-fourth of our teaching force has not even completed the elementary course of study, covering the seven grades and the remainder have had little training above these elementary grades, that a large proportion fail to supplement their lack of training and preparation through study in other institutions, we need not be surprised that the results which are accomplished in our elementary schools are disappointing. With the bulk of our teaching force composed of immature boys and girls, lacking experience, training and preparation, engaged in teaching merely as a temporary vocation, with so many ill constructed school buildings, poorly lighted, ventilated and little suited to the life and work of our children, it is not surprising that the results which our elementary schools achieve have been disappointing and discouraging.

I fully endorse the recommendations made by the United States Commissioner of Education in his last annual report, that, "Teachers and pupils should remain together longer, especially in the first years of school life." As he states, "Teachers of rural schools remain at one place little more than one school year, not remaining long enough to learn the 'ideals, conditions and needs of the community, or to acquire that intimate knowledge of the children which every teacher should have.' Therefore, the superintendent recommends that in all city schools, teachers of the first four or five grades should be promoted from year to year with their classes, as the superintendent well observes, "The objection to this plan that the teacher might be inefficient and the children should not be condemned to the care and instruction of an inefficient teacher through a series of years is without force." As he declares, "The inefficient teacher should be eliminated. A man or woman who is unable to teach a group of children through more than one year should not be permitted to waste their money, time and labor through a single year." What the children between six and twelve years of age need is not an everchanging personality but a guide along the pathway of knowledge to the highroad of life."

A study of legislation in different states clearly shows that if we are to accomplish any improvement of our elementary schools there must be consolidation of rural schools as far as possible. Our school districts are unequal and arranged without method or harmony. It would therefore be necessary to rearrange most of the school districts in the State. Consolidation would give to each school a larger number of teachers and make it possible to organize a school with a principal and special teachers for different grades, with fewer daily lessons, with a better school spirit, with more variety in studies and many more other advantages.

I fully inforce the recommendations of the United States Superintendent of Education on this subject which are as follows:

"When such a consolidation is made a good schoolhouse should be built, attractive, comfortable, and sanitary, with classrooms, laboratories and library, and an assembly hall large enough, not only to seat comfortable all the pupils of the school, but also to serve as a meeting place for the people of the district. For the principal's home a house should be built on the school grounds. This house should not be expensive, but neat and attractive, a model for the community, such a house as any thrifty farmer with good taste might hope to

build or have built for himself. And as a part of the equipment of the school, there should be a small farm, of from four to five acres in a village or densely populated community, and from twenty-five to fifty acres if in the open country. The principal of the school should be required to live in the principal's home, keep it as a model home for the community and cultivate the farm as a model farm, with garden, orchard, poultry yard, dairy, and whatever else should be found on a well-conducted, well-tilled farm in that community. He should put himself into close contact with the agricultural college and agricultural experiment station of his State, the departments of agriculture of State and Nation, farm demonstration agents, and other similar agencies, and it should be made their duty to help him in every way possible. The use of the house and the products of the farm should be given the principal as a part of his salary in addition to the salary now paid in money. After a satisfactory trial of a year or two a contract should be made with the principal for life or good behavior, or at least for a long term of years."

As the superintendent says, "In this way it would be possible to get and keep in the school men of first-class ability, competent to teach children and to become leaders in their community."

I further indorse the recommendation of the superintendent that the principals of the consolidated country schools should be men. In every school attended by large boys there should be at least one man, other teachers may well be women.

REMEDIES.

A study, therefore, of the laws of the different states, the trend of modern thought, the recommendations of educational boards and conventions show that the following may be summed up as necessary to promote the interest of our public schools:

- 1st. A more thorough supervision.
- 2nd. Consolidation of rural schools.
- 3rd. Health supervision, consisting of medical inspection, open air schools, free dental treatment.
- 4th. Elevation of the teaching standard; allowing no teacher to employ who has not received a high school education.
- 5th. Making of the schools social centers for the use of all the people in any direction that makes for social and civic betterment.

6th. Construction of better school buildings and adequate appropriations for that purpose.

7th. A construction of the course of study in country schools.

8th. The vocationalizing of education; that is, "An education whose controlling purpose is to fit for a recognized occupation."

9th. A proper survey made by intelligent educators which would necessarily lead to wise and helpful legislation.

Practically one-half of the State's revenue is used for the maintenance of our elementary schools and the people of Alabama are entitled to know what they are getting for these vast expenditures; whether the time of their children is used to the greatest advantage; what changes are necessary to secure the best results and what methods are required to elevate the standards of the teaching profession. We know that in spite of all the reforms we have inaugurated, notwithstanding the earnest, diligent and intelligent efforts of the State superintendent of education, that there is a lack of harmony and co-ordination in our entire school system; that there is unnecessary waste and duplication of efforts and that we do not get the best results for our lavish expenditures.

While I recognize that conditions are now better than they have been, yet we should seriously face the situation without undertaking to conceal the admitted defects in our system.

It is unpleasant to criticise, yet it is only through just and intelligent criticism that the road to reform can be pointed out.

LAW REFORM.

The growth of a sentiment in favor of reform of our judiciary systems and methods of procedure has made marked progress in all the States of the Union. In inventive skill, in scientific discovery and in all the arts of peace, the American people have occupied a preeminent position, yet in the administration of our civil and criminal laws we have failed to keep pace with the advanced nations of the world. The delay as well as the expense incident to the trial of civil and criminal causes has become a growing evil and has challenged the consideration of legislatures, of bar associations and of all who are interested in seeing a more economic and speedy administration of our civil and criminal laws.

In many states we are confronted with a condition which has induced many thoughtful men to declare that there has

been a break down in the administration of our criminal laws. Whatever may be our individual views on this important subject, those who have given it consideration cannot escape the conclusion, that there is imperative need of judicial reform.

In Alabama our whole judicial system has grown up without harmony, unity or scientific arrangement, each Legislature creating different courts, until the whole system has become a patchwork which now demands revision and reform. As the State has grown in wealth and population, litigation has correspondingly increased and many new courts have been established. The necessity for these additional courts could, in my judgment, have been largely obviated if we had reformed our ancient and antiquated methods of judicial procedure. It is important that justice be administered speedily and economically in our courts and that punishment should swiftly and certainly follow crime, but neither of these results can be obtained except through thorough and complete reform of our entire judicial system.

The capacity of a state to deal with crime and to administer justice economically and without delay is the paramount test of its efficiency. It cannot be claimed that our failure to check crime and to administer justice speedily and economically is due to a lack of judges or courts. There are more judges in the United States in proportion to population than any other civilized country. England, with a population of about thirty million has only about 135 judges, less than can be found in some of the States of the Union. We have more judges in Alabama than thirty-two other States and Territories of the Union. The proportion of judges in Alabama is about one to every forty-two thousand of population as compared with one to every one hundred and fifty-nine thousand in North Carolina. We have in Alabama to-day forty-nine judges, excluding the Court of Appeals, the Supreme Court and probate judges. At the commencement of this decade, we had in Alabama only twenty-eight judges and yet the increase in our population has only been about sixteen per cent., while the number of judges has about doubled. We should have a sufficient number of judges to dispatch the public business, but we should prevent the creation of useless judicial offices. Under the present system in Alabama, the work of the judges is unequally divided, and while some are doing too much, some are doing scarcely anything at all. We can safely dispense with a large number of judges and by increasing the salaries of those re-

maining and restoring their common law powers, can enable them to dispatch with more rapidity the public business.

Webster declared that as a general rule those judges who decided the most cases, decided them best; "exercise," he said, "strengthens and sharpens the faculties in this more than in any other employment." We should not forget his wise admonition: "I would have a judicial office filled by him who is wholly a judge, always a judge and nothing but a judge."

Under the present systems in Alabama our law and equity courts and city courts are to some extent duplicating the work of the circuit courts. There can therefore be no greater mistake than creating too many judges and assigning them duties which occupy a small portion of their time, as a pretext for allowing them only a meagre compensation. It has been truly declared that a judicial office is incompatible with other pursuits of life, and the faculties of every man who undertakes it should be constantly exercised, and exercised only to one end—the just and impartial administration of the law.

The delays which clog the administration of justice in this State are not due to judges so much as to our methods of procedure and to our illogical and antiquated system. The judge can only declare the law as it is written, and has no power to legislate or to give a construction to the Constitution or to the statutes which is not based upon sound, judicial reasoning or precedent or well settled rules of construction.

The following statement, compiled in 1912 from the records of the different courts of Alabama, shows the number of days occupied by the judges of the different circuits in the trial of causes and discloses some interesting and instructive facts. A study of this table will establish the truth of the assertion that the work of the judiciary in Alabama is unequally divided and that we could with safety reduce the number of judges.

LVIII

Circuit.	No. Days in 1910.			No. Days in 1911.			No. Days in 1912.		
	With Jury.	Without Jury.	Total.	With Jury.	Without Jury.	Total.	With Jury.	Without Jury.	Total.
First	79	4	83	77	1	78	32		32
Second	71	3	74	76	3	79	22		22
Third	98	16	114	110	15	125	62	7	69
Fourth	95	15	110	89	8	97	45	8	53
Fifth	99	21	120	109	21	130	25		25
Sixth	100	5	105	112	3	115	42	6	48
Seventh	79	19	98	90	16	106	83	8	91
Eighth	147	21	168	125	26	151	67	25	92
Ninth	144	10	154	144	6	150	74	3	77
Tenth									
Eleventh	125	60	185	123	64	187	42	23	65
Twelfth	99	2	101	89		89	27		27
Thirteenth	112	17	129	146	18	164	73	27	100
Fourteenth	110		110	157	57	214	56	34	90
Fifteenth	89	69	158	101	69	170	43	36	79
Sixteenth	72	24	96	86	28	114	40	15	55

So impressed was I with the importance of the reform and revision of the entire judicial system of the State that in 1912 I appointed a committee, composed of about thirty distinguished lawyers of Alabama, who met in the Supreme Court room at the Capitol on May 10, 1912, and who organized by creating a committee on the whole with Judge John Pelham as permanent chairman. This committee on the whole was divided into sub-committees, embracing the whole subject of judicial reform. The reports of that meeting, with the reports prepared by the sub-committees will be submitted for your consideration. The report of the sub-committee on the distribution of the work of nisi prius courts was made to the State Bar Association of this year by its chairman, Hon. Virgil Bouldin. That committee recommended "that all the jurisdiction now vested in the chancery courts, the circuit courts and the inferior courts known as city courts or law and equity courts, and some of the jurisdiction now vested by statute in the probate court or the judge of probate, should be consolidated in one system of circuit courts; that the necessary number of judges to trans-

act the business in each county or group of counties should be carefully ascertained, and that such number—no more and no less—should be provided for; that in counties having more than one judge, one of them should be chosen as the presiding judge, with full power to apportion the labor among the several judges of the county; and that these several judges should be required by law to preside over any court in the State whenever the business of that court demands additional labor, and in this way equalize the labor of the respective judges as the conditions of business in the several courts shall vary from time to time.” I fully endorse these suggestions as well as the further suggestion that “The Governor of the State, who is charged with the duty to see that the laws are faithfully executed, should have power to require reports from time to time as to conditions of business, civil or criminal, in the various counties, and be empowered to send any judge in the State into any county in need of his services.”

It is therefore evident, that the number of our judges should be reduced but before any action is taken, full information must be obtained. I therefore recommend that you appoint a special committee or commission, consisting of two members of the house and one of the senate, and two members of the bar of the State, charging them with the duty of procuring the necessary information upon which to frame and recommend the needed laws to the Legislature. This committee should be empowered to sit continuously, to examine witnesses, to procure sworn reports, to punish for contempt; should be paid an adequate per diem and mileage for the time actually employed, should be furnished with a clerk and stenographer and given such other powers as may be necessary to carry into effect the work committed to it. It should report to the second half of the session, or to a special session, and the measures proposed should be finally adopted to become effective at the next general election in November, 1916. This committee should not only report the bills proposed but should report all facts upon which their conclusions are based in order that the Legislature may have reliable information before taking action.

By a careful study of the statistics for the past few years, this committee could readily determine the extent of the circuits, as well as the number of judges to be accorded the larger counties. Law and equity jurisdiction should be combined in one court and the judges who presided over but one court should be required to keep the same open at all times, except during a reasonable summer vacation. Where the circuit is

composed of several counties, the court should remain open at all times for the disposition of uncontested matters and at least four terms per year should be required. The judges should also be granted power to convene the court as often as may be necessary, after reasonable notice, with power to summon juries and to dispense with them when not needed. These reforms have been suggested by the practice which prevails in the federal courts, which, when not engaged in the trial of cases, is in recess, thereby enabling the judge at chambers to dispose of a vast mass of business.

The adoption of the plan suggested would affect the terms of but few of the judges now in office. The large majority of the terms of the judges now in office will expire at the end of the present terms of the circuit judges and the plan proposed could be made effective at the next general election.

TECHNICAL REVERSALS.

In Great Britain it has been estimated that only about three per cent. of appeals are reversed and yet in the United States practically fifty per cent. of all cases that are tried are reversed and remanded for new trials and principally on account of errors in practice and procedure.

The American Bar Association has earnestly recommended a reform which has long since been adopted by Great Britain and by several States of the Union and which in my judgment will go far to remove the chief evil which exists. This, in substance, is a recommendation that the Legislature enact a law that no judgment shall be reversed or new trial granted on the ground of misdirection of the jury or for the improper admission of evidence, or for error in any matter of appeal, practice or procedure, unless in the opinion of the appellate court, after an examination of the entire case, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice.

While the Supreme Court of Alabama has adopted a rule to prevent reversals for technical errors, it is believed that a statute on this subject is necessary.

SIMPLIFICATION OF PROCEDURE.

The ability of our courts to dispense justice speedily and economically has been largely lessened by legislative action. While under section 3227 and sub-division 4 of section 5955 of

the Code, the Supreme Court has the limited right to establish rules of practice, it has been truly said: "That right is subordinate to the Legislature and nothing can be done which contravenes any statutory provision."

Questions of procedure and practice, involving no substantive rights, are peculiarly within the expert knowledge of the judges and belong to the judicial rather than the legislative branch of the government.

Rules of procedure exist only to save time, to advance the business of the court, to secure to each party a fair opportunity to meet the case against him and to present his own case and should not be allowed to be used as a method of obstructing business, wasting time or defeating the ends of justice. In matters of practice and procedure, therefore, it is evident that rules of practice and procedure in each case should not be fettered or hampered by legislative restrictions or inhibitions, but should be settled by rules of court which may be changed as actual experience of their operation and application may dictate.

The statute conferring upon the Supreme Court power to prepare and promulgate rules of practice and procedure, would not violate the constitutional prohibition against the delegation of legislative functions. Questions of practice and procedure consume a large amount of the time of our *nisi prius* courts, delay the administration of the law and the decision of the many perplexing questions they create entails unnecessary labor upon our courts of last resort.

The initial, and therefore most important step in the reform of the administration of the law is to simplify our methods of practice and procedure. The delay and expense which now attends the trial of important cases, will continue as long as the present clumsy, inefficient and antiquated methods of procedure and practice remain. I therefore urge the adoption of a practice act, similar to the one indorsed by the American Bar Association and now pending in Congress, or the type of practice act adopted by the State of New Jersey. By the practice act of that State, the Supreme Court is given the power to adopt rules superseding any statutory or common law regulations therefore existing.

A bill on this subject will be submitted for your consideration.

COMMON LAW POWER OF JUDGES.

The common law power of our judges should be restored. The real reason why trials consume so much more time in this country than in England is largely due not only to our antiquated and illogical methods of civil and criminal procedure, but to the want of power on the part of the court to exercise prompt control over the trial of the cause. Clothed with the power vested in judges by the common law, a judge upon our bench could restrict counsel to the argument of relevant and material questions, could promptly overrule and discourage technical objections, could prevent useless and unnecessary consumption of time by the introduction of immaterial and irrelevant evidence or by the argument of questions as to which the court has a clear and decided opinion, and could, without the fear of a reversal, exercise the necessary authority so essential to the prompt and proper administration of justice. With the present legislative restriction our judges are denied their common law power of summing up the evidence and thereby presenting the issues clearly and intelligently to the jury, and are converted into mere presiding officers, whose principal duty is to confuse the jury by submitting exhaustive presentations of legal principles.

It has been claimed that the restoration to our State judges of their common law powers might result in oppression or abuse. The prompt and impartial administration of the law which has characterized our Federal courts, as well as the courts in England, conclusively shows that these fears are unfounded. Increasing the power of our judges by restoring to them rights which have been exercised for centuries by the nisi prius courts in England, would tend to elevate the standard of our judges and largely increase their efficiency. It would necessarily result in securing a more speedy and impartial administration of the law.

MISDEMEANORS.

The report of the attorney general shows that for the biennial period beginning October 1st, 1910, and ending September 30th, 1912, that of twenty-five thousand four hundred and forty-nine cases disposed of in the courts, fourteen thousand five hundred and seventy-nine escaped conviction, being either acquitted or nol prossed. The report of the attorney general for the biennial period commencing October 1st, 1912, and end-

ing September 30th, 1914, shows the number of cases disposed of in all of our courts was 28,228, of which there were 13,096 convictions and 15,132 escaped conviction. Of the total number of cases mentioned in these reports during the past four years about 85% were for misdemeanors. These figures clearly illustrate the large number of misdemeanor cases that clog the dockets of our courts, furnishing fees for sheriffs, forcing an enormous expense upon the State for feeding prisoners and summoning witnesses as well as trials. These figures clearly show that there must be some radical defect in the system by which prosecution for misdemeanors are instituted in Alabama. The vast number of these prosecutions were frivolous and yet they clogged our dockets, consuming the time of courts and juries and entailing enormous expense upon the State and counties. What is the cause of this enormous increase in prosecution for misdemeanors? Is it due to the desire upon the part of the courts to enforce the criminal laws, or is its origin in a system which permits prosecutions to be commenced by fee-grabbing officials, by private individuals seeking to gratify private vengeance, or in the greed of justices of the peace, municipal officers, constables and sheriffs?

Prior to the Civil War, no person could be proceeded against criminally by information for any indictable offense except in cases arising in the militia and volunteer forces when in active service.

Prior to the constitution of 1875 prosecutions for misdemeanors could only be initiated by presentment from grand juries. By the constitution of 1875 the Legislature was authorized to dispense with grand juries in certain misdemeanors and by the constitution of 1901 the Legislature was authorized to dispense with grand juries in all misdemeanors. The remedy then for the evil that now exists is either by constitutional amendments to prevent prosecutions for misdemeanors, except on the indictment of a grand jury or by proper statute to require that no prosecution for misdemeanor by information shall be commenced unless authorized and approved by the circuit or county solicitor, the attorney general, or his assistants. A study of the statistics furnished by the reports of the attorney general shows the necessity of checking the system by which sheriffs, constables and other officials interested in the collection of fees, or private individuals influenced by personal malice or private grudges are allowed to so flagrantly abuse the processes of law. If prosecutions for crimes which are made misdemeanors by law were only instituted to subserve the public

good or from a proper desire to enforce the law, the number of cases would be enormously lessened and the cost of enforcing our criminal laws most materially reduced. In the Federal courts no prosecution can be commenced for a misdemeanor on information except upon the approval of the United States attorney and a similar system should prevail in our State courts.

The attorney general's report further shows that the total number of cases disposed of for the biennial period from October 1, 1912, to September 30th, 1914, was 28,228—making a total number of cases disposed of for the four years—56,677, of which the total number of convictions was 23,996. Out of this number of convictions there was sentenced to the penitentiary 3,322. It is therefore fairly accurate to assume that only 3,322, were convicted for felonies. It would therefore follow, that of this large number of convictions, 20,644 were convicted for misdemeanors. These statistics also show that of the large number of cases disposed of during the four years mentioned to-wit, 53,677—that 29,511 were discharged either through acquittals by nol prosses or abatements, showing that over one-half of the cases prosecuted in our courts were frivolous or unfounded and nearly 85 or 90 per cent. of this vast number were for misdemeanors. As shown by the reports of the attorney general, the **predominant misdemeanor was violation of the prohibition law.** The number of cases disposed of for this offense during the four years being 10,619, which shows that violation of the prohibition law constitute one-fifth of all the prosecutions in the courts of Alabama. One-fifth of all the expense of enforcing our criminal law seems to be confined to this one offense. If you add to this list cases of public drunkenness 3,247, the total number of offenses of violations of our liquor laws would reach the startling figure of 13,866, which would be about one-third of the whole number of cases disposed of. It cannot, therefore, be claimed, that during this administration, the liquor laws have not been vigorously enforced, for cases involving this offense constitute practically one-third of our criminal docket and consume one-third of the time of our courts. Yet no one familiar with conditions in Alabama can believe that one-third or one-fifth of the crime committed in Alabama consists of violations of the liquor law. All know that the liquor question has been a political issue in Alabama for a number of years, and it may be that the large number of liquor cases that now crowd the dockets of our courts is due more to political considerations than to an earnest desire to enforce the criminal laws of the State. There are many who honestly believe that

the violation of the liquor laws is the gravest crime which a citizen can commit; there are many others who honestly believe that the illicit sale of liquor does not constitute an offense which should be punished. Our liquor laws should be enforced but it is regrettable that political or religious considerations should enter into their enforcement. In one court in this State recently about one hundred and forty indictments were found for violations of the prohibition laws, and yet only about seven were convicted. This is but an illustration of conditions that exist in many other counties and would tend to show that many prosecutions for this offense are frivolous and unfounded.

It is well known that on account of the congested condition of our dockets in many counties, many prisoners are kept confined in jail for more than a year awaiting trial. would suggest the enactment of a statute providing that where a party charged with a misdemeanor has remained in jail six months without trial he should be entitled to be released upon his own recognizance.

JURIES.

No sound reason can be shown why the State should not be allowed in all criminal cases the same number of challenges as the defendant. In fact it is extremely doubtful whether any sound public policy justifies any challenge except for cause. The purposes of the law are fully accomplished when an impartial jury, free from statutory objections, is impaneled. The rights of the accused are amply protected both by statutory and constitutional law. He is presumed to be innocent until his guilt is established beyond all reasonable doubt and this presumption attends him during all stages of the trial until guilt is declared by the verdict of the jury. By express provisions of the Bill of Rights he has the right to be heard by himself or counsel—to demand the nature and cause of the accusation—to be confronted by the witnesses against him—to have compulsory processes for obtaining witnesses in his favor—and the right to testify, at his election, in his own behalf. Moreover, he is entitled to a speedy public trial by an impartial jury in the county or district of his residence—to a change of venue in certain cases and he cannot be compelled to give evidence against himself. He cannot for the same offense be twice put in jeopardy of life, or limb, or arrested, or detained, or punished but by virtue of a law established and promulgated prior to his offense. If illegally detained or deprived of his liberty,

he can invoke the right of the writ of habeas corpus. Shielded, therefore, by every safeguard which the law in its humanity suggests, we should not in our zeal to protect those charged with crime, overlook our duty to society. We have long since abolished the rule established after centuries of experience, by the common law, that no defendant should be allowed to testify in his own behalf, and neither the interests of the defendant or of society demand that we should give to those charged with crime any advantage in challenging of jurors shown to be competent and impartial. There never was any sound reason for allowing peremptory challenges except a sentimental fear that the innocent might be punished, and certainly no justification can be shown for granting a defendant any advantage over the State in the number of peremptory challenges he may exercise. I would therefore recommend that the statutes which permit peremptory challenges be repealed but if this is not done that the present jury law be so amended as to allow the defendant the same number of peremptory challenges as is allowed the State. I would also recommend that in the trial of misdemeanors, a struck jury be not allowed, unless a demand is made by the defendant on the first day of the term on which his case is to be tried. A bill embodying these recommendations prepared by the attorney general, will be submitted for your consideration.

APPEALS IN CRIMINAL CASES.

Those who have been engaged in the practice of the criminal law know that a very large number of appeals are taken more for the purpose of delay than with the expectation of securing a reversal. With most criminal lawyers an appeal is regarded as a gamble, in which the defendant may gain some advantage without the danger of suffering any detriment. If the case is reversed, a new trial is secured and through delay, witnesses may disappear and the guilty escape punishment. So important was delay in the trial of criminal cases regarded, that it at one time became a maxim among the older lawyers that three continuances was equal to an acquittal. Crime can alone be checked, not only by the certainty but the swiftness of punishment.

We should not allow our courts to be converted into tribunals which delay the punishment of crime. Under the system that now exists in Alabama, a cause appealed can only be heard at the call of the division, which occurs only twice during the

year. Under the present rules of procedure, months can elapse between the day of the conviction, the filing of the bill of exceptions and the submission of the cause in the Appellate Court. It is these delays which tend to weaken the administration of the law and enable the guilty through legal processes to suspend, if not avert, the sword of justice. The right of appeal in a criminal case is a statutory and not a constitutional right. It is only in recent years that Great Britain allowed any appeal in a criminal case. All bills of exception, therefore, in criminal cases, should be presented to the trial judge within thirty days after presentation. In case notice of appeal is given, a bill of exceptions should be filed with the trial judge or the clerk of the court within thirty days after sentence has been pronounced. It should be made the duty of the clerk of the court to prepare a transcript of the record in the case and forward the same to the clerk of the Supreme Court or the clerk of the Court of Appeals by the first Monday after the expiration of twenty days thereafter. In the event a bill of exceptions is filed within sixty days after sentence is pronounced, the clerk of the court should forward to the clerk of the Supreme Court or the clerk of the Court of Appeals, a transcript of the record by the first Monday after the expiration of twenty days after the bill of exceptions is filed in his office. All calls of divisions in respect to criminal cases should be abolished and the appeals in criminal cases should be submitted on the second Thursday after the transcript of the record is filed, if the court is in regular session, otherwise, on the first Thursday thereafter when the court is in regular session. If the transcript is not filed within the time mentioned, the appeal should be dismissed unless good cause is shown why the transcript was not filed in the time provided. A statute embodying these suggestions has been prepared by the attorney general and will be submitted for your consideration, and I most earnestly urge its passage.

CHARGES.

Section 5364 of the Code of 1907 should be amended so as to provide that on appeal from the judgment rendered, not only the charges refused to the party appealing, but the charges given at his request and the general charge of the court be incorporated and form a part of the bill of exceptions and that the case should not be reversed for failure to give any refused charge unless the court is of the opinion that the refused charge asserts a correct proposition of law applicable to the case,

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which was not sufficiently covered either in the general charge of the court, or in the charges given at the request of the party appealing. This should apply both to civil and criminal cases. A bill embodying these suggestions will be submitted for your consideration.

INSANITY PLEA.

Whenever a party charged with homicide is without any defense, his last refuge is generally not guilty by reason of insanity. Many defendants, whose guilt was clearly established, have been permitted to escape the just punishment of their crimes through the subterfuge of this plea. Whenever this plea is interposed as a defense to an indictment charging a criminal offense, the court should be required to impanel a jury to try solely the issue of not guilty by reason of insanity at the time of the commission of the offense. The only question which the jury should be allowed to decide should be whether or not the defendant was insane at the time of the commission of the crime. If the verdict of the jury should be that the defendant was insane at the time of the commission of the crime, it should be the duty of the court to commit him to the State insane asylum, but if the verdict of the jury should be that the defendant was sane at the time of the commission of the offense, the court should immediately set a day for the trial of the case upon the charge contained in the indictment and upon such trial no further plea of insanity should be allowed to be interposed. It is therefore important that the plea of not guilty by reason of insanity should be tried by a separate jury. Under the present system in Alabama the same jury can try both issues—not guilty and not guilty by reason of insanity. As the attorney general correctly states "In all the criminal history of this State I have been able to learn of but a single instance in which a jury has rendered a verdict of not guilty by reason of insanity, although it is a common knowledge that this is a very common defense for cold-blooded, willful and deliberate murder." It allows the jury to try the case upon a false issue. It is a patent subterfuge and is so recognized by courts and juries. It is not made in good faith, but solely for the purpose of protecting the guilty by the plea of the unwritten law. There should be no unwritten law in Alabama. If the Legislature believes that the unwritten law should continue to be made a defense where guilt is fully established, this defense should either be legalized or abolished. In my judgment no change in

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our methods of procedure would be more effective to lessen the increasing number of homicides which disgrace our civilization. A bill embodying these suggestions will be submitted by the attorney general of the State for your consideration.

EFFECT OF VERDICT.

Under the laws of Alabama, where an appeal is taken in a criminal case and the judgment of conviction is reversed or new trial granted and the offense is one of degrees, the defendant cannot be convicted on the subsequent trial of any higher degree of the offense charged in the indictment. As an illustration, if a defendant is charged with murder, is convicted of manslaughter and on appeal his case is reversed, the judgment first rendered operates as an acquittal of any degree of the offense charged in the indictment greater than manslaughter. No sound public policy can be subserved by such a rule of law. If the defendant appeals and his case is reversed, he should be placed upon trial for the crime charged in the indictment, and the sentence which has been reversed should not be allowed to operate as an acquittal of any higher degree of the offense charged in the indictment. If the defendant in a criminal case knew that in the event of a new trial, after reversal, he could receive a greater punishment than that inflicted on the first trial, those who are convicted of crime would be less inclined to gamble upon the chances of reversal. A statute of the character mentioned would tend to prevent frivolous appeals as well as the delays which now weaken public confidence in the administration of the law. A statute embodying these suggestions has been prepared by the attorney general and will be submitted for your consideration.

THE ATTORNEY GENERAL.

With the growth of wealth and population and the increase of the sphere of governmental activity, new and perplexing questions in the administration of the State's affairs are continually arising.

The office of attorney general is one of the most important in the State. Into that office should be confided control of the State's litigation. Many of the State's most important interests are entrusted to this department and the office of attorney general should be elevated to equal dignity and remuneration to that of a Supreme Court justice. The attorney general should

be the head of the State's legal department and should have general supervision over all prosecuting attorneys of the State. Under the laws of Alabama, the attorney general is not authorized to represent the State in any criminal prosecutions. He should be authorized by law to appear and represent the State in any prosecution in any nisi prius court that he may deem necessary, or in which he may be directed to appear by the order of the Governor. He should be given the same power and right to appear before grand juries as is now given by law to the State solicitors or prosecuting officers. He should be authorized, with the approval of the Governor, to employ special counsel where required in any litigation in which the State is interested. The office of assistant attorney general should be abolished and the attorney general vested with the power to employ such assistants as the duty of his office may demand and pay such assistants an adequate salary. It should furthermore be made the duty of the attorney general or his assistants, to carefully examine each bill in the Legislature while upon its passage, to see to it that all constitutional requirements are observed and that proper enrollment is made. He and the Governor should be authorized to order any solicitor, not otherwise engaged, to appear at any court of the State to represent **the State in any civil or criminal cause, such solicitor to receive** in addition to his regular salary his actual expenses as well as a reasonable per diem compensation. With these additional duties and powers, as well as those now required by law, the attorney general will become the real head of the State's legal department and the criminal laws of the State will be enforced more vigorously and efficiently. A bill embodying these suggestions will be submitted for your consideration.

ABUSE OF THE POWER TO APPOINT DEPUTY SHERIFFS.

A serious evil which exists in a few counties in the State is the abuse of the power vested in the sheriff to appoint deputies. The statute clearly contemplates that the sheriff should be vested with the power to appoint only such deputies as necessary to aid him in the fulfillment of official duties. It was never intended that this power should be exercised in the interest of private individuals or corporations. Where appointments are made through such influences, the deputy looks for his compensation or salary not to the sheriff but to the individual or corporation whom he serves. These deputies live on the property of the managers or superintendents of the corporations by

whom their salaries are paid and are using the power of the State to carry out the commands of private employers. That grave evils have arisen from this system cannot be denied. A deputy sheriff should owe allegiance to and receive compensation alone from the State. If individuals or private corporations require the protection of a sheriff, or his deputies, that protection should be furnished and paid for by the State, not by hirelings clothed with the vast power which the law confers upon the sheriff, powers which he exercises not at the command of the law or its constituted authorities, but at the will of his private employer. A man cannot serve two masters; he cannot serve both the State and a private corporation or individual for their interests may conflict. In the event of a conflict, under the present system, no one would doubt that a deputy would obey the orders and execute the command of his private employer by whom his salary is paid. I earnestly recommend the adoption of legislation to correct this great evil.

SOLICITORS.

I endorse the suggestions of the attorney general that solicitors should be required to advise the boards of revenue or county commissioners within their jurisdiction as to any matters connected with their offices or with the affairs of the county and to represent the county in all suits which may be brought by or against it, to represent the county officials when requested and when the matter involved is not one which affects their official acts and not including suits upon official bonds. I endorse the further suggestion that the solicitors should be required to institute in the name of the State any proceeding which the attorney general is authorized to institute when directed by the attorney general so to do in writing. Suitable penalty should be provided against the solicitor who fails to comply with the duties exacted of him by law.

JUDGES.

I recommend that a suitable statute be enacted authorizing the Governor to direct any circuit judge in the State, not engaged in holding court, to go into any other county in the State and hold any regular, special or adjourned term of court whenever in the opinion of the Governor the public interests demands. With such a law upon the statute books there would be no excuse for crowded or congested dockets in any county

in the State and the result would be that our jails would be rapidly emptied of prisoners and the great expense now incurred by the State for feeding prisoners would be very materially reduced. The most important consideration, however, is that vested with this power, the Governor, upon whom the Constitution places the duty to see to it that the laws are faithfully executed, could secure speedy trials in all criminal cases and prevent the delay which now encourages crime and so seriously weakens the administration of our criminal laws. The judge, when sent to a county outside of his circuit, should be allowed his reasonable traveling expenses and a reasonable per diem not exceeding ten dollars per day in addition to his salary. A bill embodying these suggestions will be submitted for your consideration.

The reforms, therefore, which I suggest for the improvement of our criminal laws may be summarized as follows:

1st. Appointment of a commission composed of two members of the House and one member of the Senate and two members of the bar of the State to suggest a complete reorganization of the trial court system of the State.

2nd. To reduce the number of judges and equalize their labors. Such commission to sit during recess, to secure all proper testimony, and information and present bills on the subject.

3rd. The adoption of the rule which now exists in England and which prevails in several states of the Union and which has been indorsed by the American Bar Association, which is, in substance, that the Legislature shall enact a law that no new trial shall be granted on the ground of a misdirection of the jury or the improper admission of evidence, or for error in any matter of pleading, practice or procedure, unless in the opinion of the Appellate Court, after an examination of the entire case, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice.

4th. Practice in the trial of causes, civil and criminal, to be governed by the legislative practice act to be as brief as possible, vesting in the Supreme Court of the State ample power to adopt rules of practice and procedure.

5th. Allowing the State the same number of challenges as the defendant in all criminal cases and reducing the number of challenges in both felonies and misdemeanors.

6th. To allow no prosecutions of misdemeanors except on the indictment of the grand jury or upon information presented, being approved by the solicitor or assistant solicitor of the

county or circuit, or attorney general thereby preventing a mass of frivolous and unfounded prosecutions.

7th. Giving the Governor power to order any circuit judge not otherwise engaged to hold court in any county in the State.

8th. Giving the Governor power to order any solicitor not otherwise engaged to prosecute any criminal case in any county in the State upon the order of the Governor and the attorney general.

9th. Amending our law in reference to special charges.

10th. Requiring the insanity plea to be tried separately from the plea of not guilty and to be tried by a separate jury.

11th. To expedite appeals in criminal cases to the Supreme or Appellate Court and to abolish calls by divisions in criminal cases.

12th. To increase the power and authority of the attorney general.

13th. The enactment of a statute providing that whenever a defendant indicted for any degree of homicide, is convicted of a lesser degree and judgment is reversed, upon his appeal, or if a new trial is granted, that defendant be placed upon trial for the crime charged as if there had been no previous trial.

14th. To amend our jury laws prohibiting struck juries in misdemeanors unless demanded in writing on the first day of the term of the court.

In addition to these reforms I urge that a contingent fund be given to the Governor to be used in aiding solicitors in unearthing crime; the expenditure of such funds to be under the supervision of the attorney general, subject to the approval of the governor.

In most of the states of the Union, prosecuting officers have power to employ detectives to aid them in securing evidence and investigating clues leading to the arrest of parties guilty of crimes, both felonies and misdemeanors.

HOMICIDES.

The vast number of homicides in Alabama not only threatens our security, but checks our development and lowers our standard of civilization. The number of cases tried constitute but a very small proportion of those who have committed the offense.

When a homicide is committed, if the guilty party is not known, or his name cannot be readily ascertained, the case is soon forgotten. I would therefore suggest that it should be made the duty of every circuit solicitor to keep a record in

which shall be entered the names of every person whose death has been caused by violence; the name of every person charged with the commission of the homicide, or where the name of the guilty party is unknown, a statement to that effect. Such record should show what arrests were made, what trials were had and what punishment inflicted.

It should be made the duty of every judge of every court in the State to submit to each grand jury a written list showing the names of each person who has come to his death from violence, the names of parties charged with the homicide, if known, and if not known a statement to that effect, and require each grand jury to thoroughly investigate the case, and this list should embrace the homicides committed in the State within the past ten years and that may be committed in the future.

No limitation of time bars a prosecution for any public offense which may be punished capitally, for murder in the second degree, for manslaughter in the first degree, and the efforts of the State to bring the guilty parties to justice should not end until an arrest is made and a trial secured. Under the law, methods that now exist, a murder is soon forgotten and the guilty too often allowed to escape through negligence or inactivity on the part of the State's authorities.

CORONER.

In the administration of our criminal laws the office of coroner is one of increasing importance and dignity. I recommend that the election of a coroner by the people be abolished and the power to appoint a coroner be vested in the Governor. The coroner should as far as possible be an expert in the detection of crime, should have some medical knowledge, should be required to investigate every death from violence, and where necessary, to impanel a jury and make a complete inquest. It should be made illegal for any person to move the body or interfere with the surroundings until the scene of the crime and the body is viewed by the coroner, wherever such coroner is easily accessible. The coroner should be paid an adequate compensation, should be allowed to employ assistants and be furnished his actual expenses in traveling to and from different parts of the county in the investigation of crime. In other words, he should be constantly on the job and should be required to furnish a written report to the solicitor and trial judge, which should be submitted to each grand jury. A statute embodying these suggestions will be submitted for your consideration.

The whole purpose of our courts is to secure speedy, impartial and economical administration of the law. It would seem, therefore, that the reforms which are advocated are so essential and obvious that they would receive the approval of every intelligent and patriotic citizen of the State. We must not forget, however, that no important reforms have ever yet been accomplished without meeting opposition—opposition which may be inspired either by ignorance or selfishness. It may be to the interests of certain corporations or attorneys in this State to retain the present system, by which the administration of the law is delayed and denied, by which technical objections and methods of procedure clog the wheels of justice. I am not willing to believe, however, that in a reform of this importance, one upon which the progress of the State so materially depends, one which affects the standard of our civilization and one which is demanded by every consideration which should appeal to our lawmakers, will be denied or delayed by the selfish personal interests of either corporations or attorneys or any other class of our people who may now be benefited by the delays and expense which now mark the administration of the law in this State.

SHERIFFS.

I would recommend that section 5870 of the Code defining the duties of sheriff be amended by adding thereto in lieu of sub-division 4, the following:

“It shall be the duty of the sheriff by himself or deputy to preserve the peace in his county, to ferret out crime, to apprehend and arrest all criminals, in so far as it is within his power to secure evidence of all crimes committed in his county and present the same to the circuit or county solicitor and the grand jury; to file information against all persons whom he knows, or has reason to believe, have violated the laws of the State. To make special investigations of any alleged infractions of the law within his county whenever directed so to do in writing by the Governor, attorney general, or the circuit or county solicitor and report with reference thereto within a reasonable time, and to perform all other duties pertaining to the office of sheriff, or which are or may be imposed by law.”

Sub-division 5.—Whenever such special investigation is made the sheriff shall file with the court of county commissioners or the board of revenue a detailed sworn statement of his expenses, accompanied by the written order of the Governor

or circuit or county solicitor, and the said court or county commissioners or board of revenue shall audit and allow only so much thereof as they shall find reasonable and necessary."

The duties of the sheriff are not sufficiently defined by the present law. He is the chief and most important executive officer of the county in the enforcement of the law. Experience shows that frequently crimes are committed and yet no arrests are made. It should therefore clearly be made the duty of the sheriff to apprehend and arrest all criminals and to file information against all persons whom he knows or has reason to believe have violated the laws of the State. In other words the primary duty should be devolved upon the sheriff to put in motion the agencies of the law for the suppression of crime. Under the law as it now exists, although the Constitution directs that the Governor shall see to it that the laws are faithfully executed, he has no legal power to require the sheriff to make special investigations of infractions of the law or to make reports with reference thereto. It is true that my experience shows that the sheriffs have readily complied with requests of this character, and yet the request would have more force if it were sustained by some provision of law. The amendment suggested would tend to magnify the office of the sheriff and make him more efficient by clearly defining his duties.

STATE SHERIFFS.

Sheriffs, like other men, are subject to local influences and conditions and it has been suggested that the power of the Governor to enforce the laws of the State would be very materially increased if an office to be known as The State Sheriff was created, to be appointed by the Governor to receive an adequate salary and to be subject to his orders to investigate crime or infractions of the law in any part of the State, with power to make arrests, vested fully with all the powers that the sheriffs of particular counties might have. Such a sheriff should be an expert in the detection of crime, and the small expenses which the creation of this office might require would be more than compensated by the more vigorous prosecution of crime and enforcement of the criminal laws of the State. I urge that you give this matter your serious consideration. Such an officer would be far more valuable than the private detectives on which we are now so often forced to rely to aid in ferreting out crime and bringing the guilty to justice. My experience has shown that the public largely overestimate the value of the ser-

vices of private detectives and I am convinced that an official known as the State sheriffs, vested with all the power and authority of the law, under the control of the Governor, could be made a most effective and valuable agency in securing better enforcement of our penal laws.

MULTIPLICITY OF STATUTORY OFFENSES.

The tendency to create a very large number of statutory crimes of the same generic offense, constitutes one of the principal weaknesses of our criminal laws. Under the statutes of Alabama we have larceny, embezzlement, robbery, cheating by false pretenses, embezzlement by different persons and officials, from different sources and by different methods, larceny of outstanding crops, larceny by receiving or concealing stolen property, larceny from the person, from the building and various other refinements, a large number of which are unnecessary and only tend to multiply appeals and increase opportunity of acquittal. A large number of these appeals and acquittals could be obviated by reducing the number of statutory offenses covering the various degrees of the same generic offense.

Under the statutes of this State, the plain and common fact of stealing is very greatly differentiated. This statutory system furnishes guilty individuals with the opportunity to escape justice on technical grounds. It is wholly immaterial when a thief steals money, whether he insinuates himself secretly into a private dwelling or whether he appropriates to his own use money that has been given him as a trustee, officer, or agent for some special purpose.

I recommend the repeal of every statute undertaking to define and punish embezzlement, and an amendment of the larceny statute to provide not only that he who feloniously takes and carries away, but also that whosoever under any circumstances appropriates to his own use or to the use of another the personal property of any party, shall be guilty of larceny. There is no sense and no reason why the vulgar fact of stealing should be dignified by a dozen different definitions.

FEEDING PRISONERS.

As shown by the report of the State prison inspector, the cost to the State for feeding prisoners during the last fiscal year was \$175,928.90, making the average cost for each prisoner \$7.45. Under the laws of Alabama, the State pays for

the feeding of all prisoners in jail, whether the charge be a felony or a misdemeanor. Where a person charged with an offense which is a misdemeanor, or where the hard labor does not exceed two years, the county gets the benefit of the proceeds of the hire and yet is required to make no returns to the State for money expended by the State for feeding the prisoner. A reform by which the counties could be made to bear the burden of paying for the feeding of prisoners charged and convicted of misdemeanors and for which the county receives a return from the proceeds of the prisoner's hire or labor, is made impossible by the provision of section 218 of the Constitution. It is evident, therefore, that the entire burden of feeding prisoners in this State, whatever may be the character of the charge of which a person in prison is accused, must continue to be borne by the State until the Constitution is amended.

Under the provisions of the law as it now exists, the sheriffs of the State are allowed a minimum of thirty cents and a maximum of sixty cents per diem for feeding prisoners, this allowance being graded according to the number confined in each jail. There is no provision in the law which requires that this amount allowed by the State shall be expended for the actual feeding of the prisoners. My attention was heretofore called to this fact by the report of the State prison inspector, formerly filed, that in many of the jails of the State, the prisoners were not supplied with sufficient food and that the moneys appropriated by the State for the feeding of prisoners was being used as a source of revenue to the sheriffs. Accordingly, in July, 1913, I addressed a letter to the attorney general, requesting him to advise me whether under section 6668 of the Code, as amended in 1911, sheriffs are entitled to receive a fixed sum, irrespective of the cost of the food furnished, the amount named as the allowance for feeding prisoners, or whether such sum is a maximum within which the expense of feeding must be confined, the State to be charged with the actual expense. In reply the attorney general stated that it has always been the practice of the State to pay the sheriffs certain sums for feeding prisoners, without regard to whether such amount was actually expended by him or not. He further stated that it is a well known fact and has been for years, that in many counties of the State the profit for feeding prisoners has been one of the largest sources of revenue to the sheriffs, and that if any change in this condition is to be effected, it must be brought about by legislative action. It would there-

fore seem that the amount appropriated by the State for feeding of prisoners is intended as a fee for the sheriffs, the proportion of the appropriation which he may expend for feeding being left entirely to his discretion. In other words, it depends entirely upon the humanity of the sheriffs, as to whether the prisoners will receive sufficient food or not, the prisoners' right not being safeguarded by law. If the sheriff should conclude just to supply the prisoner with a sufficient amount of food to keep him alive, there seems to be no law in Alabama to correct such inhumane conduct. As long as the per diem allowance for feeding prisoners is construed as a fee for the sheriff, and the amount which the prisoner shall receive is left alone to his arbitrary caprice or discretion, just so long the prisoners in many of the jails of the State will be underfed and the moneys appropriated diverted from the purpose for which it should be intended. The sheriff should not be allowed to make any profit on the feeding of a prisoner. The prisoner should be properly fed, and if there is any surplus, it should be returned to the treasury.

In his last report the State prison inspector states that in the city prison in Mobile the cost of feeding prisoners three meals a day is only 13½ cents, and in the Birmingham city prison, three meals a day, costs 15 cents; that he has heard no complaint as to the character of food in either of those city prisons; that in the county jail of Jefferson county, the State prisoners are fed only two meals a day; that the food is not better than in the city prisons mentioned and in his opinion, based upon frequent inspection, does not cost more than ten cents a day for the two meals, which are furnished prisoners in that jail; that the feed bill for Jefferson county, as shown by the sheriff's monthly reports, was \$37,688.90 for the past fiscal year; that as the law provides that for each prisoner the sheriff shall receive thirty cents per day, and in that he feeds them for ten cents, it is clear that he made a net profit of \$25,125.94 during the last fiscal year, or more than \$100,000.00 during his four years of office.

I would therefore recommend the repeal of the present law allowing the sheriff a per diem allowance for feeding prisoners. I would recommend that a law be passed making it the duty of each commissioners court or board of revenue in each county to supply the prisoners with sufficient food, the character of food to be furnished, the amount and quantity to be fixed in the law, subject to such changes as may be made by the State prison inspector; that a monthly account of such pur-

STATE PRISON INSPECTOR.

The office of State prison inspector, created by the act of April 8th, 1911, has become one of the most valuable and important departments of the State government.

Prior to the creation of this department, not only the condition of our jails, but the treatment of their inmates had become a reproach to our civilization. There was an utter absence of sanitation, hygienic conditions or healthfulness and our jails had become a prolific breeding place for disease.

It was an absolute perversion of the purposes of our criminal laws to convert our jails into places where those who were confined, in advance of conviction, were subjected to cruel, inhumane treatment, where they were deprived of every reasonable comfort or convenience, exposed to contagious diseases and denied all bathing facilities, medical attention and subjected to every possible indignity.

Under the laws of Alabama, every man is presumed to be innocent until his guilt is established and those in jail, in advance of trial, are principally confined for want of bond and not as a method of punishment.

As shown by the report of the State prison inspector, 24,791 persons were confined in jail during the past fiscal year and more than one-fourth of this number were confined in the jail of Jefferson county. It is well to remember that these figures do not include all who were charged with crime, but only those who were unable to secure their release on bond. The question, then, may well be asked, whether this large number of persons confined in jail were detained to subserve the ends of public justice or whether their confinement was due to some fault in our system of criminal laws. Was this large number confined to vindicate the majesty of the law, or to secure fees for officers.

Examination of our criminal system leads to but one answer and that is, that the larger proportion of those confined in jail were kept in custody, not to vindicate outraged justice, but to put money in the pockets of certain officials. This alarming record is due primarily to our fee system, by which certain officers and officials are encouraged to commence frivolous and unfounded prosecutions, not to subserve the public good, but to gratify their own selfish purposes. If the fee system in Alabama was abolished and if prosecutions were limited to those approved by the solicitor or some other competent authority, the large number of persons now confined in jail on misdemeanor charges would be most materially reduced. The longer a person

charged with crime is kept in jail, the greater will be the feed bill of the sheriff.

Justice in Alabama should be administered solely for one purpose, to prevent the commission of crime and to reform the criminal and not to swell the income of any favored officials.

I call your especial attention to the report of the State prison inspector and the picture which he draws of the treatment to which those who are confined in our jails are subjected,—the utter lack of proper or wholesome food, of exercise, of sun-light, of bathing facilities and the ease with which disease is spread—a picture by no means overdrawn.

As the State prison inspector properly states, these persons confined in the county jails are usually awaiting trial, presumed to be innocent and are entitled to cleanliness, fresh air, light and wholesome food. I earnestly invite your attention to the reforms which his report shows have been inaugurated, the number of new jails constructed, the number of jails improved and the betterment of conditions secured by his Department.

In addition to the inspection of jails, it was made the duty of the State prison inspector, by the act approved April 22d, 1911, to inspect the insane asylums, State and county convict camps, as well as the camps of corporations or individuals, leasing or working county convicts, the State penitentiary and all State institutions of whatever nature and kind and to visit all of the places designated by the Governor.

During my term of office, I have accordingly ordered the State prison inspector to visit and inspect the various State institutions mentioned in the act and his services have been of great benefit in improving conditions and in calling attention to flagrant abuses that existed and thereby securing their correction. In addition to these duties, the State prison inspector is required to inspect the cotton mills and certain factories of the State and to prevent the abuses of our child labor laws and to secure proper sanitation and hygienic conditions in these important industrial organizations.

Under the provisions of the law creating this Department, it is made the duty of the State prison inspector to inspect, at least, twice each year, or as often as he may deem necessary, every municipal jail or prison in any incorporated city or town in the State with ten thousand or more population, according to the last census and to aid in securing the just, humane and economic management of all such institutions.

During my term of office, it has come to my knowledge that the worst abuses have existed in the prisons and jails in towns

of under ten thousand inhabitants and yet, these jails and prisoners are not subjected to inspection by the State prison inspector. I would therefore recommend that the law be changed so as to make it the duty of the State prison inspector to exercise the same inspection and be vested with the same powers and duties in reference to prisons and jails in municipalities under ten thousand inhabitants, as are vested in him in reference to jails and prisons in counties as well as the cities of over ten thousand inhabitants.

The State Prison Inspector has, at my request, inspected a number of jails and prisons in municipalities of under ten thousand inhabitants, but on account of this defect in the law, has been without power to order the necessary improvements or reforms. Conditions that now exist in many of the municipal prisons and jails are deplorable. Many of them are unsanitary, badly constructed and ill-adapted to the use for which they are intended. There is an absence of all sanitary arrangements and persons confined in them for violations of municipal ordinances, deprived of light, heat, ventilation or ordinary comforts, are subjected to treatment which should not be longer tolerated by a progressive or enlightened State.

The reforms which the State prison inspector has inaugurated in our prisons and jails has met a storm of opposition from selfish interests, or from those who have been waxing fat from fees wrung from helpless and defenseless prisoners.

In the discharge of his important duties for the betterment of the miserable conditions which prevail in our jails and prisons, the State inspector, undeterred by selfish clamor or threats of special interests, has calmly and courageously performed his duty and the results which he has accomplished during his administration, the reforms which he has established have not only justified the creation of this department, but made it one of the most necessary and important arms of the State government.

No appropriation has ever been made by the State Legislature that has been more wisely or beneficially expended and I earnestly urge that the powers of this department be enlarged so as to embrace every municipal jail and prison in the State.

PARDONS AND PAROLES.

The Constitution of the State vests in the Governor the power to remit fines and forfeitures and after conviction to grant reprieves, paroles, commutation of sentences and pardons.

He is the sole depository of this important power—in many cases the power of life and death—and one which imposes upon him grave responsibility, the exercise of which is not only difficult but consumes more time and labor than any other executive function. The pardoning power brings to the executive office a never ceasing stream of visitors, petitioners, delegations and attorneys seeking clemency for some convict. It makes necessary more correspondence than any other subject with which the Governor has to deal. There is now no limitation upon the right of any personal convicted of crime, through himself, his attorneys or friends, from seeking executive clemency, and each application with its accompanying letters, affidavits, petitions, appeals and transcripts of evidence, the Governor must personally examine and study in order to reach a correct conclusion. Even after a decision is reached and clemency refused, there is no limitation upon the right to apply for a rehearing except such rules as the Governor may prescribe. To those who have given the subject but little thought it may seem an easy and simple matter to determine whether clemency shall or shall not be granted, and yet every Governor who has dealt with the exercise of the pardoning power knows, that in spite of every rule which his experience may suggest, regardless of every method that may be adopted to regulate and simplify procedure, the power to pardon or parole still remains not only the most difficult but the most perplexing and complicated duty which he must perform. He must consider the facts and circumstances connected with each case—he must examine all the letters, recommendations and other papers on file in each record—must ascertain the convict's environment, his habits and characteristics, and consider whether or not his parole would affect the enforcement of law and whether there are any mitigating circumstances to justify clemency. Yet, even after giving each case the most careful and painstaking consideration, the Governor is forced to rely upon ex parte showings or hearings and has neither the time or the opportunity to ascertain those facts in reference to the convict which would enable him always to reach a proper conclusion. There is a very essential difference between a pardon and parole. I have never believed it to be the duty of the Governor to pardon any man for crime or set aside the verdicts of juries unless he is affirmatively convinced by the study of all the facts and circumstances, by the stenographic report of the testimony or by other unimpeachable evidence that there has been a miscarriage of justice. I have accordingly during my term of office granted but few

pardons, not exceeding fifty in number. The power to parole, however, has been more frequently exercised. A parole is simply the suspension of the sentence on such conditions as the Governor may prescribe. It can be revoked at any time the Governor may see proper and from his revocation there is no appeal. It is a power, which if properly used can be made a very potent means to secure the reformation of the criminal and promote the public good. It is a power which the Governor should exercise, but its proper exercise demands the assistance of other agencies, which do not now exist. There should be some board created whose duty it would be to ascertain immediately after the sentence of any person convicted of a felony, full and complete statements of the facts and circumstances surrounding the commission of the offense for which such person has been found guilty, the characteristics, habits, occupation, environment and heredity, of each person so convicted. Such board should have the power to prescribe proper rules and regulations, to ascertain the conduct, the temperament and the record of each person while serving his sentence; his obedience to discipline and all the facts necessary to inform them of his tendencies and on which they could properly base a conclusion as to his right to parole. **The present board of pardons is merely an advisory body.** They are all State officials engaged in the performance of other important duties, which fully occupy their time. Like the Governor, it is impossible for them to make a careful investigation and study of each case, which is important if a proper and correct decision is to be reached. The pardon board has been very diligent and active but they are hampered by the same limitations which affect the Governor.

To carry out these suggestions, the attorney general has prepared a bill for your consideration providing for an indeterminate term of imprisonment for persons convicted of felonies and providing for their conditional release before the maximum length of their term and for their reimprisonment for the violation of any of the conditions upon which they are released, and to create a board to carry into effect the provisions and supervise the enforcement of this act.

The indeterminate sentence law wherever tried has been found to be satisfactory. If this reform is adopted, hereafter when a person is convicted of any felony and sentenced, he is sentenced to the penitentiary for a period not less than the minimum or longer than the maximum term provided by law and in all cases of degrees, the jury shall by their verdicts

ascertain the degree of the offense, but shall not fix the punishment unless the offense be one which is punished capitally.

The bill suggested creates a State board of parole consisting of a chairman and two associate members appointed by the Governor with the advice and consent of the Senate. It is made the duty of every trial judge and solicitor in this State to report to this board within ten days after the sentence of any person convicted of a felony a full and complete statement of the facts and circumstances surrounding the commission of the offense, the character, the previous habits and the occupation of the convict, so far as known, with a statement as to the length of time which in the opinion of the judge and solicitor would be a proper punishment for the offense. It is further made the duty of the board, collectively or individually, to visit each place in the State in which persons convicted of felonies are confined, at least once every two months, to inform themselves thoroughly as to the conditions surrounding the prisoners confined at each place, to talk with the prisoners and to make inquiry into any and all matters which they deem proper, to make a special investigation of the conduct of each person, to ascertain from the wardens and other prison officials all matters which may throw light upon the character and conduct of the various persons and to aid in every possible way in bringing about a reformation of each prisoner. It is made the duty of the board not only to examine and carefully consider the statements of the trial judge and solicitor, but to obtain from each prisoner a statement of facts and circumstances, his previous life and conduct. This board is to have access at all times, night or day, to any prison and to confer privately with each prisoner. The members of the board shall give their entire time to the discharge of their official duties and shall be entitled to free transportation, upon any railroad in the State, while engaged in the discharge of their official duties as members of the board. This board is given the power to order the release of any person confined in the penitentiary upon the conviction of a felony at any time after the expiration of the minimum term of sentence upon such conditions as the board may impose. It is provided, however, that when the person is released he shall still deem to be in legal custody, subject to the power and jurisdiction of the board who may at any time order his rearrest and re-imprisonment. They are authorized to recommend to the Governor a full discharge of the prisoner and upon the approval of the Governor the prisoner is discharged absolutely from custody and not liable to rearrest. The powers granted to this board

does not interfere with the constitutional right of the Governor to grant paroles or pardons. If the board proves diligent and faithful in the discharge of their duties, no Governor would be inclined to grant a parole except upon the recommendation of the board of paroles. The establishment of such a board would tend largely to correct a very grave and serious defect in the present exercises of the parole power. When a convict is now paroled, the Governor can have but scant information as to the characteristics of the convict and the circumstances connected with his crime. The discharge of other important duties would absolutely prevent the Governor from giving that careful study to each case which its importance demands, for if he undertook such a duty it would practically consume all his time and attention to the exclusion of any other executive function. Moreover, when a convict is paroled, there is no official of the State charged with the duty of ascertaining whether the convict has actually reformed or is complying with the conditions of the parole. It is true, that in the exercise of this power, I have undertaken to make certain parties agents of the State to report violations of paroles, but there is no duty incumbent to the parties to whom I may delegate this trust to discharge it efficiently or under the solemnity of an oath of office. In my judgment, it is absolutely essential if the power to parole is to be made an effective means of securing reformation, that there should be some State official whose duty it is to keep constant watch of the party paroled and to promptly revoke the parole, whenever facts or circumstances coming into their knowledge justify such action. Such a board can acquire valuable information, which is now not accessible to the Governor or pardon board and could make the power to parole a wise and efficient method of securing that which is the chief purpose of our penal laws—the reformation of the convict.

Under the bill which has been suggested no person can apply for a parole until he has served his minimum sentence. Under the federal laws no parole is considered until a convict has served one-third of his sentence. Yet, under the laws as they now exist, no sooner do some persons enter the penitentiary than they immediately commence a campaign for their release. The creation of such a board would relieve an enormous mass of labor from the executive office, would establish a uniform system and would largely prevent the abuse of the power to parole which must continue to exist as long as the present methods prevail.

There is a very general misconception of the pardoning power. Many honest and conscientious men believe that in the exercise of this power, the Governor should yield to appeals to his pity, his sympathy, to public sentiment or the obligations of personal or political friendships. A conscientious public official, however, in the matter of pardons or paroles can alone consider whether there has been a miscarriage of justice; whether the public interests and the public good would be as well subserved by the suspension as the execution of the sentence and whether by the exercise of a parole the prisoner's reform would be accomplished. Under our system of penal laws, the innocent must always more or less suffer from the conviction of the guilty. Under the law as it now exists, it is made the duty of every judge to furnish the Governor, immediately after conviction of a felony, with a statement of all the facts and circumstances connected with the offense and any mitigating circumstances that may exist. There is, unfortunately, however, no penalty for failure to comply with this provision of the law, with the result that very few judges furnish this valuable information to the executive office. Under the bill mentioned, it is made the duty of the judge and solicitor, under proper penalty, when the facts are fresh in their recollection, to furnish this important information to the board of paroles. Like the Governor, the judges and solicitors are besieged with applications to recommend clemency. In some cases, as the files in my office will show, letters can be found from both judge and solicitor, bitterly opposing clemency when it was first sought and later urging clemency in the strongest possible terms. The strict observance of the duty suggested would relieve them of the burden now imposed, the constant appeals and importunities of friends and partisans of the convict, and furnish a record made when the facts were fresh in their recollection on which they could subsequently rely. During my term of office many cases have been brought to my attention where the convicts were obscure and defenseless, where the trial judge and solicitor were both dead, and where there were no possible means of ascertaining the facts connected with the crime. The exercise of clemency in such cases is largely a matter of chance and this should no longer be permitted. A record should be kept as a permanent record at the capitol, to which the Governor could have access at any time and which would after the lapse of many years furnish a true history of each case.

I therefore recommend the passage of the indeterminate sentence law as outlined in the bill prepared by the attorney general, and which I make a part of this message.

CHILD LABOR.

I renew the recommendation contained in my former message that the age limit of children who work in mills and factories should be raised to fourteen years. Alabama occupies the unenviable position of being one of the three states in the Union that permits the life, the health, the intelligence of little children to be coined into money to swell the dividends of mill owners and stockholders. All over the Union the demands for social justice for the toilers in mines, in mills and factories, for better hygienic and sanitary protection and safe guards, and for reasonable hours of labor have found a responsive echo in the hearts of the people.

Our little children are our most valuable asset and they should not be worked at a period forbidden by the humane laws of almost every state in the Union, worked until their physical and mental natures are dwarfed and deformed, their lives shortened, prematurely aged and wrecked to satisfy the greed of their task masters. No child in Alabama should be denied his God-given heritage of sunlight, of recreation and of education. We should strike from the tender limbs of our children, now toiling in mills and factories, the shackles of industrial slavery and give them that opportunity for educational and physical development which should be the birth-right of every son and daughter of Alabama.

The present child labor law of Alabama is a make-shift. It was drafted more in the interests of the mill owners than of the child it was claimed to protect. Many of its wisest provisions were stricken out at the dictation of selfish special interests. The question of an adequate child labor law was made an issue in the recent campaign and there is no reform in Alabama which has behind it a stronger public sentiment or which was more unequivocally endorsed at the polls.

Judging the future by the past, you may expect opposition to the enactment of a just and humane child labor law. I am sure, however, that this important reform will have your careful consideration and that your action will not be influenced by the selfish appeals or efforts of those who are interested in the employment of labor in mills and factories. We should not overlook the fact that the intelligent public opinion of the

nation now measures the civilization of every common wealth by its attitude toward children. It is an error to suppose that this is a sentimental movement based purely on sympathy or inspired by pity. The motives that inspire it are economic, educational and patriotic. I quote with approval from an address by Dr. Felix Adler:

"The economic result of the abolition of child labor will be the raising of the wages of the adult. It is the competition of the little child that drags down the wage-standard of the adult. The abolition of child labor will mean the enhancement of the standard of living for the working classes, without in the least necessarily implying an increase in the cost of production. Secondly, there is the educational motive. With the abolition of child labor our schools will become what they are not yet, true instrumentalities of vocational training, with a view to promoting genuine efficiency for the business of life."

We should not forget that the girls and boys who labor in mills and factories will become citizens and we should not by our law deny them the right to be properly fitted for the discharge of the important duties of American citizenship. Aside, therefore, from any considerations of sentiment, pity or sympathy, viewing the question alone from the standpoint of material advantage to the State, no one can deny that the protection of children by a proper child labor law will elevate the standard of our citizenship and secure most important economic results.

I would therefore, recommend the passage of a bill embodying specifically the following provisions:

1. A minimum age limit of 14 years to go into effect in 1916,, a minimum age limit of 13 years in 1915, in all occupations except agriculture and domestic service. By making this gradual change no hardship can occur.
2. Regulation of hours. Children under 16 not to work more than 8 hours a day, or 48 hours a week.
3. Children under 16 years of age prohibited from certain dangerous and injurious occupations, such as work in mines or on hazardous machines.
4. Employment certificates required for all children under 16, to be issued by the school superintendent in the city or county. (a) In order to prove that the children are 14 years of age; (b) in order to insure that they attend school a min-

imum of 16 weeks a year before they are 14 and can read and write simple English.

5. The demoralizing night messenger service prohibited to minors in cities of 10,000 or more population after ten o'clock at night.

6. Street occupation of newspaper selling, peddling, etc., prohibited to boys under 12 and girls under 18 in cities of 10,000 or more.

7. Employers of children required to keep their establishments in a sanitary condition, properly ventilated and provided with suitable water closets and machinery which is not defective or unsafe.

8. The State prison inspector to be charged with the inspection of establishments where children are employed in the administration of the law. For this purpose to be provided with two additional deputy inspectors. The contemplated extension of the law to a larger number of occupations not now embraced in the present law makes the force of inspectors now at his command totally inadequate. The inspectors employed to be required to stand a civil service examination as to qualifications, the character of examination to be prepared by the State prison inspector.

A bill embodying these suggestions will be submitted for your consideration, and will be attached to this message.

SPECIAL COUNSEL.

On April 11th, 1911, I approved an act, which had been passed by the Legislature, entitled an act to amend section 561, of the Code of Alabama. This amendment consisted, in part, in giving the Governor power to employ special counsel, whenever in his judgment it was expedient or necessary to do so, to advise him in his official capacity or to institute, conduct or appear in any civil or criminal cause in which the State is interested, and provided that such compensation as might be agreed upon between the Governor and such special counsel, should be paid out of any funds in the treasury, not otherwise appropriated, on the auditor's warrant, drawn on the Governor's certificate.

Under the authority of this act I employed a number of lawyers of the highest professional and personal standing to render special and valuable services to the State. They were employed to examine the bills passed by the Legislature, and sent to me for approval, as to the constitutional validity of

such bills; they were employed to recover school lands, which had been taken from the State under claims of adverse possession; to recover of foreign corporations, doing business in this State, the licenses and dues required by law; they were employed to prosecute murderers who had instituted a reign of terror in certain parts of Alabama, and to render many other valuable and necessary services, which the office of the attorney general could not render on account of its force being fully occupied with the regular duties of that department.

Through the services rendered by these gentlemen, a large sum of money has been put into the treasury, viz: about \$100,000.00. Many acres of school lands have been recovered; practically every bill passed by the last Legislature has been held valid against attack, instead of large numbers of them being declared unconstitutional as in other administrations; law and order has been re-established and violators of the law brought to justice; the executive office has been greatly aided in the discharge of the delicate and important duties pertaining to it, and the whole State benefited in a large degree by the services rendered by these gentlemen. In every instance they have, in asking compensation, fixed a much smaller sum than they would have been justified in charging a private client.

Since these services were rendered, or contracted for, the Supreme Court has held the act under which they were employed to be unconstitutional because the title of the act did not clearly express the subject.

There was never any doubt of the right of the Legislature to pass such an act, but the holding of the court was that it was technically insufficient. Under this decision of the court these gentlemen cannot collect for services rendered but not paid for, and will also have to return the money paid them, unless you ratify the actions of the Governor, auditor and treasurer done under the supposed authority of this act.

I need not say to you that it would put this State in a shameful attitude to have these gentlemen, at much sacrifice and expense to themselves, render these services, by which the whole State was greatly benefited, and then have the State take back the money paid them, refuse to pay them the value of their services, because the act, under which in good faith they were employed, and under which in good faith they rendered these valuable services, was held unconstitutional on a technical point.

I earnestly recommend that for the good name of the State and as a matter of elementary justice, that you promptly pass such remedial legislation as will secure them in the possession of such money as has been already paid them, and insure their compensation for services rendered and being rendered, for which they have received nothing.

CONFEDERATE PENSIONS.

It was recognized by the last Legislature that a reform of the laws in reference to Confederate pensions by which an economical and just distribution of the pension fund could be secured and the list purged of all fraudulent and unfounded claims, was absolutely essential. A statute was accordingly enacted at the session of 1911 revising and amending our pension laws, permitting pensions to be granted to all soldiers who did not own real or personal property in excess of two thousand dollars and making it the duties of the grand juries of the several counties to investigate and scrutinize the pension lists and purge it of those who were under the law not entitled to pensions. I believed at the time that this law would prove ineffective and urged the committee having in charge the consideration of the bill, to establish a State pension examiner, whose duty it would be to constantly investigate and purge the lists of those who were not entitled under the law to draw pensions. After nearly four years operation I have been unable to learn of but two instances in which a name was struck from the pension list by any action of any county grand jury. The method of securing proper investigations through grand juries having proved utterly ineffective, the State board of pension examiners at its regular meeting in August, 1913, after full discussion of the question with myself, the attorney general and other eminent counsel, considered the best method of purging the pension rolls. This duty could have been performed by the State pension board, if they could have remained in session continuously, but unfortunately the law only allowed them compensation for fifteen days services in each fiscal year. The board therefore passed a resolution, which was approved by myself, to appoint one of its members as a committee to take the testimony, both record and oral, in the case of every pensioner who was charged with ineligibility to draw pensions for any cause whatever and report his findings on each case to the board at a special meeting to be afterwards called by the Governor. This method was pursued and

five special meetings of the board have been held in pursuance thereof. The duties of the committee may be likened to those of a master in chancery, who reports his findings both of law and fact to the court, the court either amending, confirming or wholly disapproving his findings. F. S. Ferguson, Esq., a member of the board, was appointed to undertake the work, and was deemed fully qualified to perform the duties imposed upon him, he being a lawyer by profession, a wellknown Confederate Veteran and familiar with the military history of the State. There being no special fund provided by law to maintain him at the Capitol, where he would have easy access to the records during the investigation, I agreed to pay him such reasonable compensation as I could spare from the Governor's Contingent Fund.

In April, 1913, I detailed one of the examiners of public accounts to proceed to Washington and examine the Confederate muster rolls in the war department, and also the Union records, as they are called, of all Confederate soldiers and sailors as far as those records related to them.

At the time of the passage of the resolution by the State board above referred to, this examiner had already sent me quite a number of reports on the pensioners of certain counties. On the 20th of August, 1913, the committee above mentioned, entered upon its duties, and sent by mail to the probate judges of the counties, citations of each of the pensions who were charged with ineligibility, stating in what particular that ineligibility consisted and notifying him that he had twenty days from the date of the mailing of that circular to make answer thereto and make good his claims to a pension. It was explained to the probate judges that the twenty day rule therein indicated was directory only and that if for any reason a pensioner could not answer within that time he could answer in a reasonable time thereafter, when he obtained the necessary testimony. In very few instances did the pensioners fail to receive a citation intended for them and mailed to them and when one did fail to receive it, the case was reopened as soon as made known to the committee. As soon as the citations had been answered, I called the State board of pension examiners into special session, and the committee made report on each case to the board, which examined the facts stated by the committee and acted promptly thereon, either by striking the pensioner from the roll or retaining him thereon, or for good and sufficient reasons continuing his case. There have been five special sessions of the board held under this proceeding. In

December, 1913, April, 1914, June, 1914, September, 1914, and December, 1914, special meetings were held and special reports of the board were immediately made to me and they are a record in my office.

The following table will show the condition of the pension roll on the first of October, 1913, and this condition immediately after the special meeting of the board as above stated:

Comparative Statement Showing the Distribution of the Pension Fund Since October 1st, 1913, up to and Including the January Distribution of 1915.

October 1st, 1913:

<i>1st Class</i>	<i>2d Class</i>	<i>3d Class</i>	<i>Total</i>	<i>Amount</i>
1,211	4,246	11,985	17,442	\$306,955.00

January 1st, 1914:

1,182	4,188	11,503	16,873	\$297,358.00
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April 1st, 1914:

1,129	4,091	10,872	16,092	\$283,997.00
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July 1st, 1914—45% of regular distribution:

1,114	4,020	10,283	15,417	\$122,750.10
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October 1st, 1914:

1,101	4,118	10,103	15,322	\$271,533.00
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January 1st, 1915:

1,093	4,092	9,688	14,873	\$264,173.00
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Showing a decrease in the number of pensioners for the last five quarters of 2,549—and a decrease in the amount paid, \$169,848.00.

It will be seen by a comparison of these statements that there were on the roll on the first of October, 1913, 17,442 pensions of all classes, and that after the special meeting of the board in December, 1914, there were 14,873. It will also be seen by a similar comparison, that the first quarterly payment made to the pensioners of all classes on the first of October, 1913, was \$306,955.00, and that the quarterly payment made to the pensioners on January 1st, 1915, was \$264,173.00

The main causes for which pensioners were stricken from the rolls were desertion, and for this worst of military crimes,

six hundred and five have been stricken from the rolls up to the last report of the board to the Governor. There remains yet to be examined, the pensions for twelve counties, beginning with Morgan and running alphabetically down the roll to and including Tuscaloosa county. In these counties, no examination has been made, but citations have been issued to pensioners in those counties whose records are not up to the legal standard. The six hundred and five desertions above referred to being from the counties other than these twelve. The next cause was having served in the home guard of this or other States and not in the Confederate Army or Navy. The law of 1911 and all previous laws provided pensions for the soldiers or sailors of the Confederate Army or Navy, who had served well and faithfully during the War of 1861-65, except widows of such soldiers and sailors up to their death. The home guard of Alabama was created by the act of the Legislature of August 29th, 1863, and was composed of men who were by law exempted from services in the Confederate Army and by what process of reasoning it was ever found that a member of the home guard could be a Confederate soldier was beyond the comprehension of the State board of pensions and the eminent lawyers who advised them. The next cause were of widows who failed in their applications to state the names of their husbands or their military services. It must be borne in mind that a military service rendered faithfully and proven according to law, is the only basis of pension in this State. Much complaint has been made of the action of the board in this very interesting class of pensioners but poverty is merely a secondary consideration in the granting of a pension.

At the special meeting of the board in December, 1913, they passed a resolution adding to the duties of its committee the further duty of hearing applications for reinstatement of those pensioners who had been stricken from the rolls, the committee being given full power to restore pensioners to the roll in case the pensioner by legal evidence established his right to be restored. From the large number of pensioners stricken from the rolls about four hundred have made application for rehearing and reinstatement. Of that number two hundred and seventy-nine have been restored to the rolls by the committee. About fifty of the applications have been refused and the balance remain on the rehearing roll of the committee undisposed of. Following the most liberal interpretation of the law, the committee and the board approving his action, has indulged every reasonable doubt in favor of the pensioner in all cases,

even including those charged with desertion, and it has taken pleasure in restoring to the rolls any who have been stricken by mistake or error or through misfortune of the pensioner.

In the course of this investigation it was discovered that quite a number of negroes had been enrolled as pensioners without any authority of law whatever. Of course they were stricken from the rolls. It was also found that a small number on the Alabama roll were also on the United States Pension Roll. It further developed that a small number of widows who had been stricken from the Alabama rolls because it was found their husbands were reserters, applied for and obtained a pension from the United States because the same husband had served faithfully in the United States Army after deserting the Confederacy.

It is a well known historical fact that the Confederate States had enrolled in its army from the beginning to the end of the war not exceeding seven hundred thousand men. These men came from Maryland, Kentucky, Mississippi, Arkansas and all the balance of the States south of that line and it is reasonable to suppose that fifty thousand was the utmost limit of the soldiers furnished by Alabama to the Confederacy. At first sight it strikes the inquiring mind as clearly excessive when we see nearly fifty years after the close of the war that there are 17,442 on the pension rolls of Alabama out of the fifty thousand men sent to the army. It is true that eligible veterans have come into Alabama from other States but it is also true that a larger number have emigrated from Alabama to other states.

It will be observed that the laws of Alabama provide that any resident citizen of this State who served in the military service of this State or the Confederate States and who did not desert and who does not own any property in excess of two thousand dollars is entitled to a pension. There is no limitation in our laws as to the number of days or years necessary to constitute residence. A soldier from any other State can move into Alabama and in twenty-four hours become a resident and entitled to draw from the State treasury a pension, if he is shown to be otherwise qualified. The laws of every other Southern State require a residence of from two to eight years before a pensioner can file his application. Another objection to the law as it now stands, is that a person entirely eligible and worthy to be pensioned, has to wait for twelve months before he can have his application heard and determined by the State board of pension examiners, which is the only agency

authorized to grant a pension. Another objection is that under the present law, there are at least seven different agencies which have more or less to do with the administration of the pension fund, not two of which are correlated in any manner or owe any cooperation, obedience or respect to the actions of the other. Indeed, there is no power provided by law to supervise the administration of the pension fund. Another objection is that none of these agencies is authorized or required specifically to report the deaths of pensioners and in August, 1914, the committee of the State board above referred to sent a special letter to the probate judges of the State calling their attention to their failure to promptly report the death of pensioners, and in reply to that circular letter in less than two weeks, the probate judges of forty-seven counties reported nearly six hundred deaths of pensioners, which had occurred from two to six years prior to the date of that letter. Warrants for these pensioners who were shown to be dead, had nevertheless been regularly issued since the date of their deaths and the proceeds of these warrants received and converted to the use of some person unknown and unauthorized by law to receive the pension, amounting in the aggregate to about \$40,000.

The loss to the pension fund shown by this single item of investigation being at least \$40,000 per annum.

The money appropriated by the State for Confederate pensioners, is a sacred fund which should be paid only to those who rendered actual and faithful services to the State or the Confederacy during the War between the States. Any payment of this fund to those who deserted the Confederacy in its hour of need, to those who are not eligible by law, simply results in lessening the amount which should be received by those who were faithful and worthy.

It is evidently the purpose of the people of this State, as far as the resources of the State will permit, to extend this bounty to our brave and faithful soldiers and their widows. No correction of the abuses which now exist, no prevention of the fraud which has been shown in the pension rolls, is possible unless there is a complete, radical and thorough revision of the present pension laws and an authority provided by which constant and vigilant supervision can be secured.

I therefore most earnestly recommend the passage of a bill creating a department of pensions, to be managed and controlled by a commissioner of pensions, as is done in every other State that composed the Southern Confederacy.

It should be remembered that the pension department expends more of the public moneys than any other department of the State government except the educational department under the one mill tax now provided by law. \$525,000 was received during the last fiscal year, and with special appropriations the entire pension disbursements for the last fiscal year amounted to nearly a million dollars.

The cost of maintaining the pension department should be borne from the pension fund itself and not be made an additional burden upon the State treasury.

I therefore submit for your consideration a bill to remedy the evil which now exists and to which your attention has been called in this message, and which in my judgment will secure not only a more efficient and economical administration of the pension fund but will largely close the door to fraud and secure to the bona fide beneficiaries of the pension fund, the money to which they are entitled.

This bill is the result of the experience of myself, the attorney general and the State board of pension examiners, was carefully prepared and for it I invoke your careful consideration.

THE UNIVERSITY OF ALABAMA.

Every patriotic citizen rejoices in the national recognition that has come to the University of Alabama. Its high standards justly entitle the institution to the high reputation it has achieved. It is our foremost seat of learning. It is the supreme expression of the intellectual life of the commonwealth.

It is a remarkable fact that the University of Alabama, in spite of every handicap, has taken its place among the great colleges of the country. When it is considered that other American commonwealths, whose population and assessed valuation of property are fifty per cent smaller than that of Alabama, are supporting their universities with far greater liberality, we face a situation that demands our most serious consideration. We cannot afford to permit the institution that stands in the forefront of our life, the head of our public school system, to take any backward step. We should definitely provide for its continued growth and efficiency.

The University of Alabama is charged with the great task of fashioning the educational ideals of our people. Its needs are many and urgent. It cannot maintain the high position which it has attained unless it is given additional support. That is a fact which must be faced with courage.

Investigation will show that the University of Alabama, owing to the meagre financial support given it by the Legislature, is unable to engage in extension work which is today recognized as an essential factor in a modern university programme. The problem is acute. It is an outstanding fact that other progressive American States have met this situation. Shall Alabama refuse to provide the means necessary to enable our university to perform a function that is universally recognized as essential?

No institution in the country is being administered in a more economical and efficient way. The per capita cost of instruction is smaller than in any State university of the country.

The student body is today practically twice as large as it was three years ago, while the appropriations remain unchanged. No one need be surprised, therefore, that the trustees have felt constrained to present in an earnest and urgent way the pressing needs of the institution.

Undoubtedly, the time has come when we should frankly face the fact that something definite should be done to help forward the progressive growth of our great State school. "We should deal with it," as President Denny has urged, "not in the spirit of the man who is doling out charity, but in the spirit of the man who is increasing his noblest investment." It is easy to halt progress. It is far more difficult to set in motion an era of progress. The Legislature alone can decide whether it is an economy to sacrifice progress already made. On this decision rests the destiny of the institution in this generation.

Many of our foremost jurists, clergymen, planters, lawyers, bankers, physicians, business men, engineers, merchants, teachers, manufacturers—men and women engaged in every worthy occupation—have gotten their training in this historic institution, which is patronized by all classes of our population. No thinking man will fail to respond to this strong sentiment expressed by President Denny in a recent public statement: "It is of infinitely greater importance to the average man in moderate circumstances than it is to the well-to-do man, that the commonwealth shall maintain a standard State university. The reason is obvious. The well-to-do man is able, if he so elects, to send his son or daughter a thousand miles away from home in order to secure standard college training. On the other hand, the one opportunity available to the average man in moderate circumstances is to secure such advantages at his own State university, which is within easy reach of his home, and open to his son or daughter, free of tuition charge."

GOOD ROADS.

Coincident with the establishment of a highway commission, at the beginning of my administration, there commenced in Alabama an era of road-building without precedent in the history of the State.

The reports of the State highway commission show that the State has expended for the construction of good roads, to date, the sum of \$397,868.07. The reports also show that the State and counties have expended on roads and bridges since the organization of the highway department the sum of \$6,300,000.00.

On the first of March, 1911, the number of miles of improved roads in Alabama was three thousand seven hundred and eighty miles. The number of miles on April 1st, 1914, was five thousand seven hundred and seventy-two and 39/100ths miles. Under the law, no money can be drawn from the State fund by any county until there is appropriated, or made available, a sum of money equal to the amount drawn from the State road fund. This money can only be expended for improvements of a permanent nature, upon a main traveled road or highway and must be of public utility and convenience. The plan, therefore, provided by the State highway law, by which sections of permanent highways are constructed in different counties, under the supervision of the State highway commission, has furnished to the people of each county, object lessons in the construction of good roads by the best and most improved scientific and engineering methods. This policy of State aid to counties was necessary in the beginning of our highway improvement. The effect of the law has been to stimulate a sentiment for good roads so strong and overpowering as to force bond issues and secure speedy action in the different counties of Alabama, looking to the improvement of our roads. I am convinced that no other system would have as effectively stimulated sentiment in favor of good roads as the provisions of the law creating the State highway commission. Now that the law has accomplished the chief purpose we desired, the next step we should take is to carry out the provision, by adopting a system of main highways or trunk roads, to be improved and maintained at the joint expense of the State and counties. When the location of the main trunk lines, as recommended by the State highway commission, has been adopted, I would recommend that the present law be so amended as to require that all the appropriations now made by the State, should be ex-

pended, with proper cooperation on the part of the counties which are intersected, by the construction of these main trunk lines.

I therefore recommend that you locate a system of trunk lines and make proper appropriations for their construction, improvement and maintenance.

EXPERIENCE OF OTHER STATES.

In any permanent system of highway construction, the experience of those States which have been most successful, admonish us, that we must by State aid construct roads that start somewhere and end somewhere.

I believe that when these main trunk lines are undertaken and completed that the lateral branches will immediately follow.

The money which the State has heretofore expended in each county has accomplished its purpose. From this time forward a system of trunk roads should be adopted and the moneys of the State expended for their construction. If the present policy is longer continued, every county in the State will be dotted with short lines of improved roads, commencing nowhere and ending nowhere.

This was the criticism made upon the system which formerly prevailed in Michigan and which was a system similar to the one which now exists in Alabama. "Michigan had hundreds of miles of roads, beginning nowhere and ending nowhere, until it looked from the map as if that State had a sort of road small-pox."

It is no answer to say that the farmer should have a road from his farm to the county seat. We all recognize that it is impossible for the State to improve every road in every county in Alabama. When the government undertook to construct the great transcontinental systems of railroads, it did not stop at the boundary of any State, but traversed the continent. When the trunk lines were completed, lateral branches were speedily built. The same results will follow the construction of trunk lines of highways in Alabama. When the era of railroad building first commenced the same argument now made as to highways was made as to railroads. It was claimed that the farmers wanted railroads from the farm to the county center. It was believed that all that our agricultural interests demanded was the construction of short lines of railroads to nearby centers of trade. The question has been frequently ask-

ed: "Did the farmers get what they wanted,"—the construction of short lines of railroads first? We know that, on the contrary, the branch railroad came after the trunk lines were completed. This law of transportation applies as much to our highways as to our railroads. A system of highways connecting the principal cities of the State must be furnished by trunk lines, giving access to the markets and when the trunk lines are constructed short lines which radiate from every county in the State and connecting with the trunk lines will be speedily built.

CENTRALIZATION OF AUTHORITY IN ROAD-BUILDING.

It is now uniformly recognized that in the construction of a good roads scientific knowledge, skill and study, are essential. Road-making is a science and is now being taught in some of the principal institutions of learning in the country. There was a time when every commissioners court or board of revenue believed that the county surveyor could lay out a road and that it could be properly constructed by men ignorant of the fundamental principles of engineering or road-building. That day, fortunately, has passed. Under the former system there was waste and extravagance, both in labor and money, due to **ignorance of the proper method of road construction.** One of the chief purposes accomplished by the creation of the State highway commission is centralization of authority and unity of action. In improving the present law I would, therefore, recommend that no road should be constructed with the public money, whether by State or county aid, anywhere in Alabama, until proper plans and specifications are prepared by competent engineers and approved by the engineers of the State highway commission and that no road should be constructed in any county without the supervision of a trained engineer or expert roadbuilder.

It is difficult to calculate the enormous waste in labor, time, material and money which has resulted from ignoring the necessity of this supervision. If a system of good roads is to be provided for by the counties of the State, the wealth and population of each county must be required to bear the burden. How can this be accomplished? The answer is; this can be accomplished only by the issuance of bonds or by a system of taxation levied alike upon all the wealth and population of the county.

I would suggest the advisability of so amending the Constitution as to grant to each county the option of determining by

an election whether a special tax of sufficient amount should be levied for road-building, an amount sufficient to insure a steady policy of road construction.

As the law now exists, but few counties are able, from their revenues, to undertake a proper system of road construction. The only just and equitable method which is now available is by the issuance of bonds, the proceeds of which are to be used in road construction; these bonds becoming a tax upon the entire wealth of the county and thus equally distributing the burdens of road-building.

I would recommend, however, that a general road law be enacted forbidding the issuance of county bonds to be expended for road building, unless the roads to be built are supervised by skilled engineers and so constructed that there is some guarantee that they will last as long if not longer than the periods during which the bonds are to run. In other words, the public money should not be expended for road-building unless the road is to be so constructed as to be of a durable and permanent character. The law should also require that the bonds which are issued should be reduced annually, by partial payments on the system of amortization, which has been so successfully operated in reference to mortgages on real estate under the system of rural credits that prevails in other countries. Under this system of amortization the principal and interest are both paid by the time the bonds mature.

WORKING CONVICTS ON THE PUBLIC ROADS.

There has been considerable agitation in the State in favor of working the State convicts on the public roads. This power, however, is denied the State by the expressed provisions of the present Constitution. Even, however, if this constitutional inhibition is removed, we must not forget that the adoption of this policy would require an enormous outlay of money.

In our neighboring State of Georgia, an expenditure of over one million dollars in the purchase of mules and road-working machinery, was found necessary even before the policy of working convicts on the public roads was undertaken. If the people of Alabama should amend the Constitution and undertake to work the convicts upon the public roads, it would be necessary to purchase movable prisons or vans, mules teams, and road-working machinery and would necessarily require an expenditure of a vast sum of money. It would also be necessary to supplement the loss of the revenue which the

State now receives from the working of convicts, by additional taxation. The question of sanitation, the establishment of camps, the cost of supervision, the loss of revenue and how it could be supplemented, selection of roads on which the convicts were to be worked, the amount which counties should contribute, would all have to be carefully considered.

Therefore, if the people should alter the present Constitution so as to permit the working of State convicts on the public roads, in my judgment, the first step that should be taken would be the establishment of a thoroughly competent commission, whose duty it should be to give careful study and consideration to the cost and advantages that might accrue and then submit to the Legislature, for proper action their report and recommendations.

A change so important and far-reaching in the policy of the State, should be wrought out only after careful investigation, study and consideration of every phase and aspect of the subject, and after all available material is completed a report could be made upon which legislative action could be intelligently based.

I would also recommend that the collection of automobile taxes be placed under the control of the State highway commission, that seventy-five per cent of the taxes be paid into the State treasury and that twenty-five per cent of the taxes be paid to the cities or counties, in proportion to the number of automobiles found in the city or county, with the provision that the money so received can only be expended for highways in the county, or streets in the city, such expenditures to be made under the supervision of the State highway commission.

The law should also be so amended as to provide for the imposition of a penalty where the tax is not paid within the time required by law, this penalty to be paid to the officer making the collection.

By the suggested amendments, the entire fund arising from automobiles would be paid to the State and to the counties and cities concerned, without any cost of collection, the costs to be borne by the delinquent parties.

ADVANTAGES OF GOOD ROADS.

One of the greatest economies resulting from improved highways, is the opportunity it furnishes to lessen by concentration the cost of education and to improve the tone and character of our rural schools and rural churches.

With good roads the automobile omnibus and other motor vehicles will annihilate distance and secure that concentration which not only decreases expense, but guarantees better educational facilities.

Another important advantage that will follow the construction of good roads is the encouragement of village and community life in rural districts. It will encourage the movement of "Back to the Farm." We must make farm life more attractive. We cannot overcome the curse of absentee landlordism or check the growth of the tenant system until we furnish to our rural population the same advantages of good roads now enjoyed by the dwellers in our cities and towns.

We must not cease our efforts until the State is traversed by great trunk lines of highways, until every county has a system of good roads connecting with these highways; until we lift rural life from the mud and mire of the old mud road; until the home upon the farm is made as attractive as the home in the city and until the farmer can go every day of the year to the markets of the county and his children enjoy the same advantages of schools, churches and libraries, possessed by the dwellers in towns and cities.

It has been truly said that the public highway is the only system of transportation owned and operated by the people. All the products of each county must sooner or later pass over our dirt roads.

We must not forget that no State can reach any high degree of industrial or commercial progress or agricultural development, without an adequate system of improved highways. Let us avoid the mistakes of the past, enlarge the powers of the State highway commission, and secure that unity of action, that concentration of power and authority, so essential for road development.

Proper bills carrying out these recommendations will be submitted for your consideration.

STATE BOARD OF CONTROL.

The charitable and eleemosynary institutions of the State are now under the control of separate boards of trustees. These trustees receive no compensation except the allowance of actual expenses in a few instances. While the local boards that govern these various institutions are composed of men and women of unimpeachable character and who have unselfishly given such time as they deem necessary to the management of

the affairs of these different institutions, they are all engrossed in their private affairs and serve practically without compensation and are therefore unable to give to the management of each institution that scrutiny which the best interests of the State demands. These boards usually meet at long-varying intervals, are in session but few hours and derive practically all the information they obtain from the superintendents in charge of these institutions. All expenditures of the public moneys are therefore practically controlled by the superintendents or managers of these institutions, and under the system which now exists, a constant and thorough supervision of their business policy and fiscal affairs cannot be expected and is impossible of attainment.

The State is now spending for the State Insane Asylum, Tuscaloosa, and Mt. Vernon, for the State School for the Deaf, Dumb and Blind, at Talladega, for the Alabama Industrial School for White Boys, at East Lake, for the Alabama Reform School for Juvenile Negro Lawbreakers, at Mt. Meigs, for the Alabama Home of Refuge, at East Lake and for the Confederate Soldiers Home, at Mountain Creek, the sum of \$533,720.77.

I would therefore earnestly recommend that one central board of control, composed of three members, selected by the Governor and to be paid an adequate salary, be appointed to supersede the present board of trustees or managers, vested fully with all their power and authority and should have complete control of these various State institutions. This board should be authorized to select all the officers for these institutions, purchase all the supplies that are required, establish proper methods of bookkeeping, provide complete inventories of all the State's property and in other words exercise the same control and management over these institutions as if they were the board of directors of a private corporation. In addition, this board of control should be authorized and required to purchase the supplies for the State normal schools, for the State high schools, for the agricultural schools, for the county high schools, for the Alabama Girls' Technical Institute, as well as all the supplies required by the State Capitol, by the entire convict department and for each and every county jail in Alabama. In addition the law should provide that the State board of control should purchase the supplies of the University of Alabama and the Alabama Polytechnic Institute, when so requested by the president of those institutions, and should also purchase for any other State institution, when so directed by the Governor or requested by the manager of the

institution. The law should direct that all the purchases should be made upon competitive bids, after proper advertisement, the bids being awarded to the lowest responsible bidder; with the provision that they should in emergency purchase not to exceed the sum of two hundred and fifty dollars, without advertisement and bids. The members of this board should also be required to make suitable bonds to guarantee the faithful performance of their duties.

The bill should provide, that the members of this board should be composed of citizens of business experience and capacity and the salary should be sufficiently large to attract men of the very highest ability.

The creation of such a board, instead of being an expense, would result in immense savings to the State. In speaking of a similar board recently created in the State of California, Governor Hiram Johnson, in his message to the Legislature in 1913 says: "The board of control has more than justified itself. In a brief period it has modernized and immensely improved the business management of the institutions. It has acquired an experience now invaluable to the State, which will enable it to go forward with its duties in the future with even greater precision than in the past. It has enabled the government of the State to be in immediate touch with the business management of each particular institution. It has saved the State hundreds of thousands of dollars, has put in operation, where possible, uniform systems of accounting and today the business of the State in its public institutions for the first time in the history of the State is being conducted on a business basis exactly as would be desired by any private enterprise." In speaking of a similar board, Governor Harmon, of Ohio, in his message to the Legislature in 1913 stated: "The report of the board of control for the fiscal year ending November 13th, 1912, showed a saving for the State of over five hundred thousand dollars and this remarkable result was accomplished without impairing the efficiency of the institutions which the board controlled." In every State where such a board has been created, enormous savings of the public money has resulted and greater efficiency established. It has secured application of thorough business principles in the management of the affairs of each institution, proper methods of bookkeeping and accounting and a most watchful supervision of the State's property.

I call your attention to the fact that the State Insane Asylum is now governed by a self-perpetuating board of trustees,

composed of private citizens, and on which board the State of Alabama has no representative. That institution receives each quarter about ninety thousand dollars, and this large amount can be paid upon the order of the board of trustees without the approval of the Governor.

It will no doubt be claimed that the creation of a State board of control would establish new offices and additional expense upon the State. This argument is unsound. Such a board would supersede one-half dozen or more private boards, who are unable now to give the State's business that attention which it deserves. Moreover, I urge the establishment of this board in the interest of economy, because it would prevent the waste of thousands of dollars of the public funds. The expense of maintaining the board would be a mere pittance compared with the enormous sums which would be saved to the State treasury, if the officials selected properly discharged their duties. The experience of every State, where such a board has been established, shows that it has resulted in the savings of millions of dollars.

I therefore most earnestly urge the creation of such a board in the interest not only of economy and efficiency, but of **better business management** of these important State institutions. Such board would **centralize authority**, would keep the Legislature and the Governor fully advised as to the management of these institutions and would constitute one of the most important arms of the State government.

A bill embodying these views will be submitted for your consideration.

In speaking of the splendid results accomplished by the board of control in West Virginia, Governor Glascock, in his message to the Legislature on January 13th, 1913, states: "The watchword of this board has been efficiency and economy and along these lines they have been eminently successful as is evidenced by the following facts and figures: During the last two years this board returned to the State treasury \$308,853.68 of moneys that had been appropriated and collected for the use of the institutions under their control and management, and during the biennial period ending September 30th, 1910, there was returned to the State treasury an unexpected balance of \$304,636.08, making a grand total returned to the State treasury of \$613,489.76, and in addition to this sum there was to the credit of the board on the 30th of September, 1912, \$189,669.19, the moneys that had been collected and appropriated but not expended. This board audits all expenditures before

they are made. Under the old system of expending moneys through boards, which met only a few days each year, it was impossible to make such audit before expenditures were made. It is very evident that this board has saved to the State not only thousands of dollars but hundreds of thousands of dollars and at the same time has materially increased the efficiency in the management of our State institutions."

Governor McCreary, of Kentucky, in his message of January 6th, 1914, in discussing the State board of control of that State says: "The plan of a central board of control for the management of our charitable institutions instead of local boards, as the law previously required, has met with general approval and has proved both economical and beneficial." He states that the methods employed in the purchase of supplies resulted in great savings to the State, and that while the necessities of life have increased approximately forty per cent in the past few years, the patients have been better fed and clothed, and the board has erected permanent buildings, without increased appropriations from the State.

An examination of the results which have been accomplished, by State boards of control, conclusively show that not only have they introduced greater business efficiency and management and secured large savings of the State's money by their wholesale purchase of supplies, by auditing the expenditures, by careful inventories of the State's property, by proper systems of bookkeeping, but they have relieved the Legislature of the annoyance and confusion of attempting, during the pressure and hurry of a brief legislative session, of determining what appropriations should be made for each of our charitable institutions, differing as they do in size, purpose, scope and surroundings. The Legislatures in those States are no longer subjected to importunities from various local boards but secure all the desired information from one centralized board, composed of State officials, free from local influences, who have given all of their time and attention to the management and supervision of the States charitable and eleemosynary institutions. Moreover, such boards have corrected many abuses which existed in the treatment of the patients and in the insane asylums have not only introduced many forms of amusements and past-times for the benefit of patients, installing libraries, but have eliminated practically every sort of mechanical or medical restraint and have secured more humane treatment for each patient. The welfare of the inmates of the penal charitable institutions, wherever such State boards of control

have been created, have not been sacrificed in the interest of economy, but on the contrary, all the reports unite in stating that all such institutions have been better managed and the efficiency of each institution increased.

If you should establish a State board of control all the moneys now appropriated by the State for the support and maintenance of these institutions should be made the maximum amount of appropriation, with the provision that any surplus that might remain should be returned to the State treasury. It should be provided that the expenditure of the appropriation should be under the control, direction and supervision of the State board of control. If Alabama realizes the results which have been obtained in other States, the present appropriations will be found to be more than adequate and a very large proportion of the moneys now expended could be returned to the State treasury.

PRIMARY ELECTIONS.

I renew the recommendations contained in my former message for the passage of an effective corrupt practice act, providing for the compulsory publication in detail, under heavy penalties, of the **campaign expenses of every candidate** for public office and of every campaign committee, as well as the source of all contributions to campaign funds, and that the amounts which candidates for public office be allowed to spend be limited. These publications should be made before as well as after the primary.

The present law on the subject is vague, uncertain and utterly ineffective to accomplish the purposes designed.

The increasing expenses of primaries has become a growing evil. If the money to be expended by a candidate is not limited, the time will soon come when only men of wealth, or men who are willing to assume improper obligations can seek public office. Under the system as it now exists in Alabama, a candidate with limited means, seeking a State office is placed at a most serious disadvantage against his more fortunate or wealthy competitor. The man of wealth can fill every daily and weekly paper in the State with lengthy advertisements and communications. He can write personal letters to every voter in the State, employ an army of stenographers and workers and thus place a competitor with limited means at a most serious disadvantage. If the primary system is to remain, it should not be permitted to deprive the State of the services of

men of limited means, who are frequently better qualified for the discharge of public office than their wealthy competitors. In other words, money should not become the touchstone of political success. There should be a limitation upon the amount a candidate can spend in advertising in the public press. Publicity seems to be regarded as a very essential element of success in a primary election, and yet the publicity which can be acquired by advertising is so expensive, as to bar many men of ordinary means from seeking public office. The press of the State have uniformly advocated the primary election system, and I am sure their advocacy is not influenced by any selfish motives. In some of the Western States, advertising through the press has been entirely eliminated and a State publication substituted. Whether we believe the time has arrived to adopt that method or not, all who have had any experience in seeking public office and the members of the press themselves know, that advertising or communications through the public press constitute the most enormous burden now imposed upon a candidate by the primary system. Experience in Alabama also shows, that the candidate whose name heads the alphabetical list has by reason of that fact alone, a very decided advantage. A candidate's success should not be affected by the letter of the alphabet with which his name is commenced. I therefore recommend that the present law be so amended as to require the names of candidates to be printed alternately on each ticket, so that the location of the name will give no candidate improper advantage or influence the result.

Another evil under the primary system is known as single "shotting." Where two or more candidates can be elected for the same office, it has become a frequent practice through the connivance of a candidate or his friends, to induce the voters to mark his name only, omitting any votes for the other candidates. It can be readily seen that by this method, the vote of the candidate whose name alone is marked, gains a very decided advantage in the count. The remedy adopted in South Carolina and some other States, is a provision that where two or more candidates are to be selected for the same office, the voter must mark the number of candidates entitled to be elected and his failure to mark all the names, deprives him of a vote.

I further renew the recommendations contained in my former message, that a method be adopted to prevent the voters of one party from participating in nominating candidates for another party. A candidate nominated should be the choice of

a majority of his own party, and members of the opposing party should have no voice in his selection or power to dictate his nomination. The present primary election law on this subject is inadequate. I therefore recommend that a mandatory provision be made for the enrollment of party voters throughout the State and that participation in primary elections be limited to enrolled party voters, with stringent restrictions to prevent fraud. Since the Democratic party resumed control of the State in 1874, a nomination by convention or primary, has generally been equivalent to an election. One objection urged to a primary is that a minority candidate is often nominated. Where there are more than two candidates for any public office, the division of the vote which follows, often results in the nomination of a candidate whom the majority of his party would not have willingly nominated. Is this objection well founded?

Under the convention system, which prevailed for many years in Alabama, no candidate could be nominated by the Democratic Party who did not receive a two-thirds vote of the delegates. When the two-thirds vote was abandoned, the majority vote was substituted. The purpose of the primary is to ascertain the candidate who is the choice, not of a minority, **but a majority of his party.** It should not therefore be left to the discretion of a State or district or county executive committee, but all candidates nominated by a party should be required to receive a majority vote, even if it is necessary to provide a second or run-off primary or to furnish an opportunity in the first primary for an expression as to the second choice. Another serious objection to the primary system is the length of time it consumes. It has grown to be the custom in Alabama for candidates to announce not only months but years in advance of the date of the general election. Recent experience in this State shows that for the two most important offices, that of Governor and United States Senator, the candidates for the nomination announced nearly two years in advance of the date of the election. It is true that those who first announced gained no advantage by their haste but met defeat. Still this tendency to commence campaigns for prominent State offices so far in advance of the date of the election, tends to deny the people any rest from the turmoil of politics, increases the expenses of the primary and can subserve no public purpose. Early primaries too are frequently held through the influence or connivance of candidates, who can secure control of party machinery solely to subserve selfish purposes, to prevent com-

petition or to gain an improper advantage. I would therefore recommend that a date be fixed by law for all party primaries, both State and county, to be held on the same date, not more than four months before the date of the general election. In the case of the nomination of judges, I would recommend that a separate primary be held.

OYSTER COMMISSION.

In the interest of efficiency and economy, the different departments of the State should, as far as possible, be united and coordinated and authority centralized. The State's oyster reefs and beds constitute a valuable public asset and should be carefully conserved and made a source of revenue. Under the law as it now exists, these oyster reefs and beds are under the control of a board known as the Alabama Oyster Commission, consisting of three members. The president of this commission receives a salary of two thousand dollars per annum and the other two members five dollars for each day they are engaged in the business of the commission, as well as actual traveling expenses. In addition, there is a secretary who receives a salary of thirteen hundred dollars per annum as well as fifty cents for each license issued, in addition to a per diem compensation. There is also a chief deputy commissioner, receiving seventy-five dollars per month and an assistant deputy commissioner can be employed to receive compensation at the rate of sixty dollars per month. All the moneys due the State for licenses, the tax on canning factories, are retained by the secretary of the commission and deposited in a bank in Mobile. The commission is clothed with power and authority to employ competent civil engineers and attorneys, who shall receive such compensation as they may fix. All the revenue received by the commission have been consumed in its expenses.

I recommend that every dollar of revenue, from any source whatever, accruing to the Alabama oyster commission and all the powers and duties now vested in that commission be vested in the State game and fish commission, with power to employ such deputies, at a salary fixed by the Legislature, as may be necessary to properly enforce the law. In my judgment, two deputies paid a reasonable salary, could discharge all of the duties of the commission and the oyster reefs and beds of the State made a source of revenue.

The present commission have been active in conserving these oyster reefs and beds and in making necessary improve-

ments, but I believe the time has come when this valuable property of the State should become a source of revenue.

It seems to me that the game and fish commissioner is the proper department of the State government which should have absolute control and supervision of the oyster reefs and beds, which is property belonging to the State of Alabama and not to any particular county.

THE SMITH-LEVER AGRICULTURAL EXTENSION BILL.

The measure long discussed and widely known throughout the country as the Smith-Lever Agricultural Extension Bill became a law May 8, 1914, the official assent of the Governor of Alabama being duly given to the Alabama Polytechnic Institute as the proper beneficiary of the provisions of this measure. The title of the act reads as follows: "An act to provide for co-operative agricultural extension work between agricultural colleges in the several states receiving the benefits of the Act of Congress approved July 8, 1872, and of acts supplementary thereto, and the United States Department of Agriculture." Every state in the Union assigned the **Smith-Lever Fund to its white agricultural college for administration.** As set forth in the title of the act, the entire scheme is one of co-operation on the one hand between the United States Department of Agriculture and on the other hand, the land grant colleges of the United States, established under the act of 1862.

The specific purpose of this work is set forth in section 11 of the act as follows: "Cooperative Agricultural Extension Work shall consist in the giving of instruction and practical demonstration in agriculture and home economics to persons *not* attending or resident in said colleges."

The fund is administered by the United States Department of Agriculture acting through the organization of the colleges.

The plans adopted by the board of trustees of the college include 1, (a) extension of the boys' corn clubs, (b) girls' canning clubs, (c) movable schools, (d) field work in agriculture, (e) work throughout the State by experts in agriculture, dairying, silo building, etc., (f) work throughout the State in promoting pig clubs, (g) work throughout the State in promoting the raising of beef, (h) cooperative work with the girls technical institute, Montevallo, (2) cooperation with the farmers' cooperative demonstration work as now conducted by the board of agriculture.

In this connection it is necessary to note (1) that the college as a *teaching* institution is not benefited in any way by the measure. Under section 1 it is explicitly directed by the law that none of this money shall be spent at the college. Indeed, the administration of the Smith-Lever Act brings additional expense to the college and additional labors to the officers and professors of the agricultural department of the institution. (2) Under the plans adopted by the board of trustees, ample provision is made for the teaching of the *women* and *girls* under the head specified as "home economics," the college having appropriated to woman's work perhaps a larger share of the first year's income than any other state in the Union. (3) Provision has been made in these plans for separate negro agents for "demonstration" work and for "separate movable schools" in extension work. It must be remembered that a very large per cent of the agricultural lands in Alabama is worked by negro labor. It is therefor of great importance that all modern ideas relating to the care and cultivation of lands be brought as closely home to our negro citizenship as may be possible. We all realize that they are not so alert to avail themselves of instruction as is our own race, and it is therefore important that special efforts be made, through the employment, it may be, of negro demonstration agents, to impress upon them the necessity for an improved agricultural system and the benefit which they will obtain from instruction in agricultural efficiency.

It is difficult to over-state the possible value of this great measure, the Smith-Lever Act, one of the most far-reaching pieces of constructive legislation recently enacted in the United States, and it is profoundly hoped that our State Legislature will be able to measure up to the possibilities of the situation. In a word, the purpose of this great scheme is to carry the knowledge secured by the agricultural colleges and experiment stations of the United States directly to the man and woman on the farm. For nearly half a century, highly valuable discoveries have been made by these stations in all lines of agriculture, but these valuable discoveries have not been lodged with sufficient directness and efficiency among the masses of the working people. Much valuable work has been accomplished under our own State laws, but by the provisions of this act the work will be conducted on an infinitely larger scale.

CXVIII

FUNDS.

Section III, the appropriating section of the act provides \$10,000.00 annually to each state which gives its assent. This is a continuous, unconditioned, specific appropriation for each year. The additional sums appropriated by the United States Government for the next succeeding nine years are allotted to the several states on the ratio that the rural population of each state bears to the total rural population of the United States according to the figures of the United States Department of Agriculture, Alabama has 3.58 per cent of the total rural population of the United States, ranking as ninth in the forty-eight states.

In order for a state to secure these additional appropriations from the United States, it is necessary for the Legislature to make an appropriation annually for an amount equal to the Federal appropriation that would fall to the State each year. In case that the appropriations now made by the State farm demonstration act are *continued*, no additional appropriation will be necessary for 1915-16 nor for 1916-17 in order to meet the Federal grant; but to meet the additional Federal funds for 1917-18-19, it will be necessary for the State to appropriate \$20,000.00 for 1918 and \$40,000.00 for 1919.

As before stated, it is highly desirable that these additional appropriations shall be made. The present organization for extension work among the boys and girls and women in the State, and the demonstration work for the adult farmers, is one of the foremost in the Union; and certainly, if ever the agricultural interests of Alabama needed aid, they do at the present time. Nearly ninety per cent of our people draw their livelihood from the land, and their prosperity is the basis of all prosperity. Many of the most fertile sections of our State have been invaded by that terrible pest, the boll weevil, greatly reducing the yield of cotton; while the price of the remainder is in turn destroyed by the European War. We cannot leave these great interests to suffer, nor shall we lie supinely on our backs making no effort to overcome our difficulties.

"For instance, there is a pressing need of systematic attention to the production of *beef animals* particularly in the South which every year imports almost \$50,000,000.00 worth of meats, and dairy and poultry products from the North and West. And there is amply profitable opportunity in all parts of the country for more attention to the smaller animals such as poultry and swine. The livestock problem of Alabama is

not an abstract matter. It touches vitally every home, high or humble." Experiments conducted in connection with the department of animal husbandry in the Alabama Polytechnic Institute, in raising beef have been declared by the United States Department of Agriculture to be of national importance. With the great organization perfected under the Smith-Lever Bill, it is felt that every hamlet and locality in our State can be effectively aided in improving the methods of the farm and in bringing about (1) a larger production, (2) better marketing, and (3) better living on the farm.

It affords me unaffected pleasure to congratulate our State upon the result accomplished by the State School at Auburn. This school has furnished to hundreds, or, I might say, thousands, of the young men of Alabama an equipment which has enabled them to promote not only their own personal fortunes but the welfare of the world at large. The State can accomplish no more effective service than to support with all its power the excellent work being done by this school.

WORKMEN'S COMPENSATION.

I most earnestly urge the passage of an adequate workmen's compensation law. Laws of this character have their origin in an intelligent and enlightened public opinion, which demands that those who are maimed, crippled or killed in the production of the country's wealth and their dependents, shall be indemnified by the public, for whom they wrought and by the employer who receives the profits of their labor. It is based upon the just theory, that all the numerous accidents and injuries which necessarily result from modern industry, with its never ceasing expanse of machine methods, are as truly elements of production as labor or capital, raw material or transportation, and the cost of caring for injured workmen and their families should be paid in such manner as to enter into the price of the products and be paid ultimately by the consumer of these products. In other words, accidents and injuries are necessary charges upon the industry itself, which the consuming public must pay. It is recognized as manifestly unjust and unfair, that the entire burden of industrial accidents should be borne by the workers, who happen to become the victims of particular accidents. Twenty-four of the forty-eight states of the Union have already adopted compensation laws, and practically all others states are now preparing bills on this subject to be presented to their next Legislatures. Re-

gardless of the opposition of selfish special interests, the day is not far distant when every State in the Union will abandon the old antiquated, unjust and unfair methods which now exist of compensating accidents in industrial enterprises and will adopt a workmen's compensation law. Such laws have already been adopted in Great Britain and most of the governments of continental Europe. It has been estimated that in the United States alone, every year we kill outright 40,000 workmen, cripple 500,000 and injure more or less seriously over two million, and that on the basis of average, every laborer will be injured at least twice during his life, every second man will be crippled and every twenty-fifth man will be killed. It has been stated that during a single year, our loss from this industrial carnage, exceeds the casualties of all of our American wars put together. There has been marvelous industrial development in Alabama and our factories are filled with dangerous machinery, driven by the powerful forces of nature. We no longer use the simple manual tools and appliances of former times and yet we still measure the rights of those who suffer from industrial accidents by an antiquated rule, which as applied to modern conditions is both unfair and inhumane. The old "judge made" defenses, which grew up from the common law, such as assumption of risk, fellow servants rule and contributory negligence, may have been justified when the simple conditions of former times existed, but their application today can only work injustice between employer and employee and relieve the employer of all liability in three-fourths of the cases that exist. Is it not manifestly unfair to say that under modern industrial conditions, the workman assumes the risk of his occupation, when we know that as a matter of fact he cannot bargain with his employer, and is generally in no condition to refuse work, because the tools may be unfit or unsafe. If he assumes the risk, he has no option to do otherwise. How can the workman, with the vast number of employees in modern industry, by any care on his part protect himself from the faults of his fellow-workers. Few of them he personally knows, with many of them he never comes in contact and the old common law fellow servant rules as well as the doctrine of contributory negligence is being discarded in every progressive State.

Under the old system, statistics show that in seven cases out of eight the victim remains altogether uncompensated. It has been correctly stated that a personal injury suit is "a gamble in which seven loose and the eighth takes all the money."

Where recovery is had, the damages recovered are generally either too small or too large. The long delays in recovery, the numerous appeals, the vicious system of contingent fees, the uncertainty of the amount which may be recovered, makes the present system wholly unfitted for modern industrial conditions. Moreover, the workman is frequently in a position where he cannot afford to sue, is a victim of ambulance-chasers, and the support of himself and his family are frequently made a burden upon public charity. Regarding the question from the standpoint of the employer as well as society, the objection to the present system is that the employer is constantly menaced by law suits and the danger of excessive verdicts and the necessity of paying large sums for defending suits and insurance premiums. The operation of the law breeds hostility between employer and employee and interferes materially with the efficiency of industrial organization. Society is injured on account of the great economic waste in the loss of productive labor and the expense of maintaining courts for this character of litigation. It has been estimated that in the United States, fully one-fifth of the time of courts and juries is taken up with this class of litigation, some even to the extent of one-third of their time. Certainly in Alabama a very large percentage of the cases tried in our courts are suits for personal injuries. When we consider the grave economic and social loss which results from industrial accidents, the cripples, the widows and orphans, the destitution and poverty which it creates, the low standard of living among our working classes which it promotes, the uncertainty of recoveries, the long delays, the unjust verdicts, the tremendous burden which the support and maintenance of the victims of these industrial accidents impose upon society, it is not remarkable that a just and enlightened public sentiment demands the abolition of the old system as utterly unfit for our present modern industrial life.

A large per cent of the appeals which crowd the dockets of our courts of last resort are from cases involving personal injuries. The employer or the corporation sued, have learned that through appeals and long delays, they can frequently gain material advantage or force an unfair compromise. It has been properly asked by whom should this burden of industrial injuries be borne? The answer is not by the wage-earner who must endure the pain and suffering the weakest economically, or by public charity but by the various branches of industry in proportion to the injury which they do. The answer to this question I quote from a recent address by a distinguished law-

yer who says "Each industry should take care of its own killed and crippled so that they do not become charges upon the public as the result of some industrial accident. "The principle of workmen's compensation, therefore, is that the industry in general should bear the financial burden of industrial accidents rather than the workers who happen to be the victims of particular accidents, and in order to accomplish this result it uses the agency of the employer who, in computing the cost and fixing the price of his finished product, will include a sufficient amount to cover compensation." An important question to determine is whether a statute of this character should be compulsory or elective. If the employer is to be given the choice of accepting the act or operating under the common law system, the common law defenses which now exist under the old system should be removed. The courts have repeatedly held that these common law defenses can be legally abrogated. In any bill which may be adopted, in my judgment, farm labor and domestic servants should be excepted. A compensation should be provided for all personal injuries sustained in the course of the employment, no compensation, however, to be allowed where the injury is occasioned willfully or **due to intoxication**. The act should fix a definite scale of compensation, for the principal purposes of compensation laws is to escape the uncertainties of the old system. The settlement should be made automatic, and an administrative board for this purpose established. Various forms of insurance should be authorized, and insurance funds to be maintained by employers, or by the employers and employees jointly, by mutual associations or through authorized accident insurance companies. One of the most important results following the adoption of compensation acts, is that it increases the use of safety appliances and thereby decreases the number of accidents. It has been claimed that fifty per cent of our accidents are preventable. A recent writer on the subject states that in Michigan under compensation, fatal accidents were reduced twenty-five per cent and non-fatal thirty-five per cent, that the United States Steel Company which employs two hundred thousand laboring men reduced its number of accidents seventy per cent in three years.

Wherever compensation laws have been adopted, not a single effort has been made to return to the old system. It is well to remember that every effort made to introduce compensation laws has met with opposition of powerful and influential interests, and yet whenever the arguments for compensation laws

are properly presented, the verdict of a just and enlightened public sentiment has been against the old system, which should no longer be tolerated by any progressive State. I therefore earnestly urge that you give this question your most careful consideration. The passage by this Legislature of a wise compensation law, would stimulate our industrial activity and would alone justify the cost of this session of the Legislature. No question for your consideration is more important or deserves more careful study, and as to which there is more imperative demand for legislative action.

RURAL CREDITS.

Our entire commercial banking system was organized solely in the interest of the commercial classes, and is not adapted to supplying the annually occurring needs of our farmers. Owing to this absence of proper banking facilities, the farmer has been compelled to apply to land brokers, merchants and private individuals for that capital which the legitimate conduct of his business require, and to pay not only heavy commissions but usually exorbitant interest. The necessary result has been that agriculture, which constitutes the chief source of our wealth and the most important occupation in which our people are engaged, is denied that credit so generously accorded to our manufacturers and merchants, corporate and other business enterprises. It is not surprising, therefore, that through this lack of credit and banking facilities, that agricultural development has been checked. Many visionary and impractical schemes were proposed to remedy this injustice—direct loans on farm products, and other remedies which violated fundamental economic and governmental theories. It was only during late years that legislation, practical in its character and which sought to furnish our farmers needed banking facilities and easy access to the money markets, was seriously undertaken. The new currency law has to some extent provided for the needs of the farmers. It repealed the old law prohibiting loans on real estate, yet when we recall that these reforms will only make available the use of some two hundred and fifty million dollars to the farmers of the nation, who already owe something like six billion dollars, on which they are paying twice as much interest as they ought to pay, it will be readily seen that the problem still remains unsolved. What then is the remedy? Can it be found in amending our present banking system? Those who have given most careful thought and

study to the subject unite in the opinion that it is not through a system of commercial banks, but only by the introduction into this country of the agricultural credit system in operation in most of the countries in Europe, can adequate relief be found. During the last years of the administration of President Taft, he directed the Department of State, through its diplomatic officers in Europe, to make an investigation of the agricultural credit systems in operation in Europe, and these instructions were supplemented by the American Bankers Association, the Southern Commercial Congress, and other organizations, with the result that a vast mass of valuable information and knowledge were furnished the country as to the methods adopted in foreign lands to so extend their agricultural credit facilities as to make them equal to those enjoyed by other industrial and commercial organizations. Mr. Taft addressed a letter to the Governors, and the subject of rural credits was made a part of the program at the Governor's Conference at Richmond, Virginia, in 1912, and the executive committee of that body did me the honor to select me to deliver an address on the subject.

The pressing need for remedial legislation and action was very clearly summed up by President Taft, when he stated in **his letter to the Governors**: "**The twelve millions of farmers** in the United States add each year to the national wealth eight billions, four hundred million of dollars. They are doing this on a borrowed capital of six billion and forty million dollars. On this sum they pay interest charges of five hundred and ten millions. Counting commission and renewal charges, the interest rate paid by the farmers of this country is eight and one-half per cent, compared to a rate of three to four and one-half per cent paid by the farmers for instance in France and Germany."

One of the results of this agitation in favor of agricultural finance or rural credits, was that the three great political parties in their platforms in 1912 fully indorsed the movement, and demanded enactment of suitable legislation to carry it into operation. A commission appointed by the different states and the different provinces of Canada, known as the American Commission, and a commission appointed by the President of the United States, known as the United States Commission, visited Europe and make an exhaustive investigation and study in those countries of co-operative land mortgage banks and co-operative rural credit unions. Since their return these commissions have published a large mass of valuable information

which they obtained as a result of their investigation, and their reports and recommendations were made public documents, and contained the most exhaustive discussion of this subject yet compiled. In their report, the United States Commission embodied their views and recommendations in a bill which was introduced in the House by Mr. Moss, of Indiana, and in the Senate by Mr. Fletcher, of Florida. This commission, as well as the American Commission, discussed the two forms of agricultural credit, known as long-term or land mortgage credit and short-term or personal credit. Of these two systems of credit, long-term, or land-mortgage credit, was necessarily based on security of land owned by the farmer; short-term or personal credit was to provide for the farmers annually occurring requirements in money to finance his operations, while his crops were being produced, embracing his needs for preparing his lands, sowing, cultivating and harvesting his crops. In the report which was submitted by the United States Commission, they stated that the development of a system of farm land banks was the primary and most important step to be taken to improve agricultural credit conditions, and naturally preceded the development of personal credit. They stated that the history of European experiments had show that the land mortgage banks preceded the personal credit banks. They declared that it was urgently necessary to create a land mortgage security, which should be entirely liquid by reason of having a ready market, which, to use their own language, "Will run for a long time, which can be paid off in small annual or semi-annual installments, and which will enable the landowning farmer to use most advantageously his best banking asset, land, as the basis of credit."

PROGRESS OF CONGRESSIONAL LEGISLATION.

In the address of the President of the United States, delivered to the joint houses of the Congress, on December 2nd, 1913, he called attention to what he termed was the urgent necessity that special provision be made for facilitating the credits needed by the farmers of the country. Following the President's message, a sub-committee of the Committee on Banking and Currency, both of the House and Senate, known as the Sub-Committee on Rural Credits, has been engaged in conducting an investigation of the subject, have examined a large number of witnesses, and their hearings have been printed. The sub-committee on rural credits of the House and Senate, held

joint hearings and finally reported the Hollis-Bulkley Bill, which was referred to the Committee on Banking and Currency, and since which time no further action has been taken. The Hollis Bulkley Bill embraces the principal features of the Moss-Fletcher Bill, with some changes with respect to administration, placing the system of agricultural finance under the control of the Federal Reserve Board. This bill deals only with land-mortgage banks. The chief cause of the delay in the passage of the Hollis-Bulkley Bill, was that it undertook to require the government to furnish aid to the banks which it established.

STATE OF FEDERAL INCORPORATION.

An important question which first confronted the United States commission, as well as the sub-committee on banking and currency, was whether land mortgage banks should be incorporated by the states or the federal government. While there was some difference of opinion, the conclusion was finally reached that the banks proposed to be established should be incorporated by the federal government. The bill offered by Senator Fletcher, the essential features of which were retained by the Hollis-Bulkley Bill, provides for the creation of a commissioner of farm land banks. It provides for the incorporation of national farm land banks, the capital stock of each bank to be not less than ten thousand dollars. It also provides that existing land mortgage companies and other similar institutions, including building loan associations or savings loan associations lending exclusively on farm mortgages now incorporated under the laws of any State, will become national farm land banks, upon complying with certain requirements.

REASONS FOR FEDERAL INCORPORATION.

The United States commission and the American commission, as well as the sub-committee on banking, recognized that mortgage credits necessarily dealt with lands and that the laws affecting lands are State laws and under State control and vary in the forty-eight different states of the Union. If the laws of the State governing conveyancing, registration, foreclosure, taxation, exemptions, and other subjects relating particularly to land, were uniform in the forty-eight States of the Union, incorporation under State laws would have been preferable, but no such uniformity exists, and the conclusion was therefore reached that through federal incorporation of farm

land banks, uniformity of legislation could be secured. As the states control the laws in reference to lands, the question naturally arose as to how federal incorporation of farm land banks under national charters, could secure uniformity of State legislation. The answer to this question was found in the provision of the bill, that State farm land banks could not enjoy the privileges and advantages vested in the federal land banks until the states had passed certain laws and regulations looking toward uniformity, and looking towards simplification of laws regarding land titles. Both the Moss-Fletcher bill and the Hollis-Bulkley bill provide that State farm land banks cannot be incorporated under the federal laws or enjoy the privileges or advantages which such charters confer, without first securing State legislation simplifying registration of title, foreclosure of mortgages, abolition of taxation on mortgages and other essential requirements, tending to uniformity and efficiency. Under the provisions of the bills mentioned, the commissioner of farm land banks, an office created by the several bills, is given the power to make general rules and regulations, with the approval of the secretary of the treasury, extending the privileges of certain of them only to farm land banks located in states which pass laws and regulations looking towards uniformity in certain essential particulars, to States which have done away with exemptions as regards farm land loans—which have simplified methods of registration, conveyance and foreclosure, and other banks in the states which have made national land bank bonds available as a local investment, for the funds of savings banks operating in that State, for trust funds under the control of the courts of the State or local investments for reserves of insurance companies operating under the laws of that State. With the passage of laws of this character, it was believed that national land bank bonds would become a recognized and authorized investment for funds accumulated in states savings banks, in the reserves of insurance companies, in the savings bank department of the national banks and in the postal savings banks, and be vested with all features of a security of the highest class, thereby giving the farmer access to the greatest accumulation of capital in the country.

I fully indorse these views. I believe that while the States may proceed independently to incorporate farm land banks, that a general law on the lines suggested by the United States commission and outlined in the Moss-Fletcher bill should be adopted by the federal government and that it would tend to secure greater uniformity and harmony in the laws of the

States, on the subject, and standardize and simplify farm land mortgages.

Federal incorporation, therefore, of farm land banks, with the provisions suggested, will tend to secure uniformity in State laws relating to land—will encourage a wider and more general use of farm land bonds, will simplify methods of procedure, will secure more general confidence in the value of such securities, will accomplish the chief purpose of mortgage credit by making the farm lands of the nation a liquid asset, and enabling the farmer to easily make his credit available and command the necessary capital for the conduct and expansion of his farming operations.

I am confident that such a bill will be enacted at the next session of the Congress, but if Alabama is to enjoy the benefits from such legislation it is necessary that certain important reforms should be made in our existing land laws. What are these reforms?

One of the chief purposes in establishing a national system of farm land banks is to obtain from loans on real estate the lowest possible rate of interest. In European countries, where land mortgage banks have been so successfully operated and where the farmers have secured the very lowest possible rate of interest, these securities are **absolutely free from taxation**.

The American commission, the United States commission and all authorities on the subject agree that exemption from taxation is essential, if a low rate of interest on mortgages is to be obtained. It cannot be denied that taxation by the State of the mortgage and of the real estate on which the mortgage is based is double taxation. Freedom from taxation would materially lower the rate of interest on mortgages and the debentures which may be issued on their security, and it is apparent to all that whatever promotes agricultural development, adds to the general welfare. The lands of the farmer being visible and easily accessible, never escape taxation. It can be asserted with confidence that the farmer pays more taxes in proportion to his property holdings than any other class of our citizens.

LAND TITLES AND FORECLOSURES.

In Europe, the government usually guarantees the land titles and the laws chartering mortgage banks usually grant a simple process of foreclosure. There are no exemptions of homestead rights. It is therefore incumbent upon the States, if we wish to make the real estate of the farmer a liquid asset,

easily negotiated at a low rate of interest, if we desire to facilitate the advantageous sales of bonds and debentures based upon their security and enjoy privileges and advantages conferred by the proposed federal land mortgage act, to adopt some system for registering or guaranteeing land titles.

I would therefore recommend the adoption of the essential features of the Torrens system of land title registration: The object of the system is so clearly stated by Devlin on real estate that I quote fully what he says:

"The object of the system is, first, to secure by a decree of court or other similar proceeding, a title which shall be impregnable against any attack, and, when this title is once determined, to provide that all subsequent transfers, incumbrances, or proceedings affecting the title shall be placed on a page of the register and marked on the memorial of title. A purchaser may accept this memorial as truly stating the title and may disregard any claim not so appearing. In the states of this country adopting this system, the owner has the option of registering his land or he may proceed under the old system, but, the statute provides that when a tract of land has once become registered, all transfers made subsequently shall be in compliance with the provisions of the statute. After the initial registration of the title, there is notice on the face of the certificate of registration of any matter affecting the title. The object is to secure the evidence of title exclusively by a certificate issuing from public authority. In some statutes an indemnity fund is provided for the payment of any loss sustained by the operation of the system, and such an indemnity fund, while not found in some of the statutes, is an integral part of the system."

I would also recommend the enactment of a law authorizing a record of all abstracts of title made by some licensed, reputable, abstract company. I would also recommend a simple form of conveyance as well as mortgage.

FORECLOSURE OF MORTGAGES.

Under the laws of this State, the mortgagor, his vendee, junior mortgagee or assignee or heirs-at-law, are vested with a statutory right of redemption within two years after the sale of the property. While the purpose of this statute was to protect an improvident debtor, its effect is to lessen the value of the security and increase the interest on the mortgage. This law should be repealed as far as farm mortgage loans are concerned, if the lowest rates of interest are expected to be secured

and farm land mortgages made rapidly negotiable and salable. The delay and litigation which can now occur under the laws of Alabama, lessens the value of the security and banks will be disinclined to guarantee to the holder of land mortgage bonds or debentures issued on its security if this long delay should be allowed. Our laws on this subject if not repealed, should at least be so amended that while protecting the debtor, long delay should not be allowed. While federal incorporation of farm land banks is preferable, the State can still authorize the establishment of farm land banks. It may be that a simple bill, authorizing the establishment of farm land banks to negotiate loans on real estate, providing for a rigid system of appraisal of value, with proper inspection, with a simple method of foreclosure, and exempting from taxation all loans made upon farm lands where the rate of interest does not exceed six per cent, would tend to furnish immediate relief and stimulate the loans on farm lands. If such banks, however, are established by State law, it should provide for a method of amortization payments. No successful system of land mortgage banks can be operated which does not provide for this system of amortization.

PERSONAL OR SHORT TERM CREDIT.

In the report of the United States commission on this subject they used the following language, "Your commission believes that it is also within the power of Congress to pass laws providing for credit unions or cooperative credit associations and making them fiscal agents of the national government; but the conditions of agriculture differ so widely, the needs of the farmers vary so greatly and the status of different people in rural communities are so unlike, that it is our opinion that such laws can best be enacted by the various State Legislatures."

I fully concur in this conclusion. I earnestly recommend that you adopt suitable legislation authorizing farmers to cooperate for the improvement of their personal credit. Legislation on this subject should clearly define credit unions, their scope and functions and methods of operation, as well as provide suitable systems of inspection and supervision. A liberal statute is desired, such as the recently amended credit union law of the State of New York, which permits wide variation of the types of associations and at the same time provides means of control. The states of Texas, New York and Massachusetts have all adopted laws on this subject and they are set out in

full in Senate Document No. 214, part 3, under the head of Agricultural Cooperation and Rural Credit in Europe. I recommend that the deposits and loans of these rural credit banks should be exempt from taxation.

THE NECESSITY FOR CREDIT UNIONS.

In the South and in Alabama, where so many small farmers and tenants are absolutely dependent upon the advance merchants and where the rates of interest on advances for supplies are frequently excessive, and onerous, the system of credit unions is urgently needed. A large proportion of the cotton crop of the South each year, is made on money advanced by merchants or bankers, and the high rates of interest which generally prevail, is a most grievous burden upon the small farmer and tenant, who are forced by poverty and necessity to often submit to such interest charges as the avarice or greed of the lender may coerce. It is idle to expect that our present commercial banking system will furnish available banking facilities for our tenants and small farmers. We should not forget, however, that the success of any system of rural banks to extend personal credit to that class of our farming population now in most pressing need of assistance, should be based upon the fundamental idea of cooperation, under which they have been so successfully operated in Europe. With the unlimited liabilities of its members, there would result a credit foundation upon which loans could be made. It may be claimed that this unlimited liability is foreign to the customs and habits of our people and would meet serious opposition. It is well, however, to remember, that the cotton crop, which is our chief agricultural asset, is annually produced on money loaned and that the liability of the small tenant and farmer in this State is practically unlimited. Speaking of these associations, the secretary of agriculture of the United States says: "Cooperation is the essence of those enterprises. Their growth will probably be slow and it will be retarded by the fact that two races are living side by side. Public opinion, will, however, be educated. Pains should be taken to place before the people the best forms and methods of organization and the states should be induced, if possible, to consider and take up necessary legislative action prerequisite to the formation of these associations." I would therefore, recommend that the farm demonstrators of the State, the department of agriculture and the Alabama Polytechnic Institute, should be authorized to employ experts to explain the

principles and operations to the farming community, of these cooperative credit unions. Through such methods, a strong public opinion could be created and these banks inaugurated under intelligent supervision. In Germany, where the Raifeisen system of rural credits has been so successfully operated, they provided in every community an agricultural council, whose business it is to study the financial needs of the community, the most profitable crops and the best investment possibilities open to the farmers. Such a council would act in an advisory capacity, study the needs of each particular section and advocate that character of farming which would prove most profitable and discouraging those farming enterprises which would necessarily result in financial loss.

NECESSITY OF IMMEDIATE ACTION.

We should not forget the lessons taught by the gigantic war in which Europe is now engaged. Without warning, it created in the South the most serious economic crisis which has confronted our section. Last year over nine million bales of cotton were sold abroad and the result of the foreign war for a time stopped exports and will necessarily largely reduce cotton consumption abroad. With the largest cotton crop in our history, we were suddenly confronted with the problem of withholding four or five million bales of cotton from the market until normal conditions were restored, or selling it far below the cost of production. If proper systems of agricultural credit, viz: land-mortgage or long-term credit or personal or short-term credit had been provided, as has so long existed in Europe, it is believed that the South could have largely escaped the financial loss which the European war has produced. Our surplus cotton could easily have been financed and used as an absolute safe collateral for loans. Moreover, there has been an alarming increase of tenant farmers during the past decade, an increase as shown by the last census of over fifteen per cent. Absentee landlordism has become more and more a menace to our agricultural progress and is gradually sapping the foundations of rural prosperity. If Congress would speedily enact legislation by which loans could be made a liquid asset at a low rate of interest and if Alabama would at once encourage and enact suitable legislation to promote cooperative credit unions and associations, we could justly expect a new era of agricultural progress and development.

If we would check the drift of our rural population to the cities, if we would encourage the movement of "back to the farm," if we would remove the menace of absentee landlordism and encourage the purchase of farms by tenants and men of small means, if we would increase agricultural production and secure cultivation of the large area of waste and unproductive lands in the State, we must extend to the farmers the same facilities for credit now enjoyed by our commercial classes.

I would therefore recommend the appointment by your honorable body of a special committee to consider and carefully study this important subject and to draft suitable legislation.

PUBLIC UTILITIES COMMISSION.

The necessity of creating a public utilities commission with power to regulate and control the charges of all public service corporations has been generally recognized by most of the states of the Union. There is a strong and growing sentiment in Alabama in favor of the establishment of such a commission. It is as much our duty to protect the consumers of gas, water, electricity, and those who are compelled to use telephones, telegraphs and other public utilities against unjust, unfair or exorbitant charges as it is to protect them against unreasonable and unjust charges that may be exacted by our common carriers. The State through such a commission, should exercise proper control over the issuance of stock and bonds of these corporations, and prevent the issuance of stock that is fictitious and does not represent any value. In conjunction with the attorney general, I have given this question very careful consideration and we have prepared a bill on the subject, which will be submitted for your consideration. By this bill, a public utilities commission is created, composed of the present railroad commission and two other members to be appointed by the Governor, by and with the advice and consent of the Senate. The industrial development of Alabama has been so great that there should be no longer any delay in the establishment of such a commission, so as to furnish the public proper and reasonable protection and at the same time stimulate our industrial growth.

WATER POWER.

The energy which can be developed from falling water in our rivers and streams constitutes one of the most valuable assets of the State. It has been estimated that the water powers of

Alabama, if developed, would amount to one million and eighty-four thousand horse-power. It is now generally conceded that the day is not far distant when the development of hydro-electric power will supersede steam, on account of its greater cheapness and the facility with which it can be transmitted almost any distance. This enormous water-power was at one time an asset which belonged to the people of the State. Under the law, the State had an easement or title to the waters and bed of every navigable stream in its borders. By the act passed in 1903 and amended in 1907, and found in section 3627 of the Code, the State gave to any corporation, domestic or foreign, organized to manufacture and sell to the public power produced by water as a motive force, and that acquired a dam site or power site comprising not less than one acre of land upon each and opposite sides of any water-course, the power to acquire by condemnation the necessary lands and sites for the construction of its dams and the works connected therewith. In other words, this statute vested in these corporations the State's sovereign power of eminent domain—the right to take private property for public uses. If an individual acquired riparian rights on each bank of the stream, he could not by this statute **exercise the power of eminent domain, for that power is alone conferred upon corporations.** Under the statute, therefore, and in accordance with the decisions of our Supreme Court, with its acre on each side of a stream, water power corporations can go up stream or down stream, any distance it sees fit and destroy for its own use or take by condemnation practically every water-power held on the stream. Nor does the law require that the corporation exercising this extraordinary power should build a dam. The only requirement is the ownership of two acres upon each side of a stream. Under the extraordinary power conferred upon such a water-power corporation, it could sweep the river clean of minor enterprises and industries—overflowing public roads, wiping out ferries, flooding grist-mills, taking everything which obstructed its march, except a dwelling house. Through the provisions of our law, the State makes an absolute gift and surrender of all its valuable water-power assets, its right, title and easement to the waters and beds of a stream to the corporation organized in compliance with its terms, without exacting one cent of toll or revenue. It is difficult to understand why these valuable rights, franchises and privileges should be conferred alone upon corporations and denied to individuals, firms or partnerships. By section 3636 of the Code, it is made the duty of any corporation selling to the public electric current

produced at its plant, as well as power, light or electric power produced by water as a motive power, to sell the same in the order in which requests or demands are made for such light, heat, power or electricity. If the statute had stopped here it could be considered a proper protection to the public, but I call your attention to the further provision which says that "Nothing shall be so construed as to require such corporation to furnish light, heat, power or electricity to any person or persons, corporation or corporations until satisfied of his or its financial responsibility and except in conformity with its reasonable rules and regulations and reasonable prices for same and except as far as the capacity of its plant will permit." The effect of this provision is to vest the absolute and arbitrary power in the water power company to sell its power to such persons or corporations as it may elect. It has the unqualified discretion to select its own consumers, and from the exercise of this discretion there is no appeal. It is thus given power not to serve the public equally but to deny the use of power to any person or corporation that may incur its hostility or whose destruction as an industry it may desire. Under the original act as passed by the Legislature, it was provided that if the water-power company refused to sell its power to a person or corporation they could tender bond and secure this power. This provision was struck out when our laws were codified and should be restored. Not only has the State made a gift to these companies of all of its interests in its water-powers but has also exempted them from State, county or municipal taxation, either under general or local laws, for ten years after the beginning of the construction of their plants.

VALUE OF HYDRO-ELECTRIC POWER.

It was only in recent years that the value of hydro-electric power was discovered. Fifteen years ago hydro-electric power could be transmitted only about ten miles and today the distance to which it can be carried is hundreds of miles. It can furnish power at less cost than can be furnished by any other way. Steam cannot compete with it. We must recognize that the day is not far distant when the creation of power by falling water instead of by steam, will be necessary to the orderly management and development of the industrial enterprises of the country. In the near future, when this power supersedes steam, no manufacturing plant can compete with it, on account of the low cost at which it can be produced and its many advantages

over steam power and the distance to which it can be transmitted.

How is the consumer to be protected? It is well to remember that the corporations that develop the energy from falling water in our streams are allied in interest and do not compete in prices. Immense sums of money are necessary to develop the power and the individual or corporation that invests in these enterprises should receive not only fair but liberal returns. Unfortunately, prices charged are generally not based upon fair returns for the money invested but are frequently so arranged as to be slightly less than the cost of furnishing the same power from steam. Therefore, when water-power is developed, having to do with commodities of every day life—heat, light and power, every individual or manufacturing enterprise within the territory is affected, and therefore, due care should be taken to protect the public interests. Recognizing that these water-power companies are natural monopolies, the rates which they charge should be regulated by a proper public utility commission.

Under the general dam bill prepared by Secretary of War Garrison and which received the approval of the present administration, it is expressly required that "The State in which the company is incorporated or in which it operates must for the **protection of the people and the prevention of monopoly and other misuse** have provided a commission or body authorized and empowered to properly regulate public utilities of this character, and such body or such law must have provided proper regulations to the end that the company shall make proper use of the utility, give proper service, make only reasonable charges and otherwise conduct itself in a way to conserve the rights of the people in the use of the public utility. In all cases where these provisions have been complied with the secretary of war may issue a permit, franchise, or right for any period up to fifty years.

Similar requirements are found in the bills which are now pending before the Congress.

In other words, the State of Alabama would be required to protect the consuming public by proper regulations requiring proper supervision and reasonable charges, and service, or the government will undertake that duty.

Before the passage of the laws adopted in 1907, no dam could be erected across any navigable stream in Alabama without the consent of the State government. There should be no disposition on our part to prevent the utilization of the enormous water-power now being wasted in our navigable streams, or to

hamper or fetter any company seeking to develop this power by unjust or unreasonable restrictions. It is folly, however, to say that this power will not be developed unless investors are granted exemption from taxation and all easements which the State might possess in this valuable asset.

I would therefore recommend that the present laws granting to corporations developing water-power, the right and easement of the State in and to the beds of the stream as well as exemptions from taxation be repealed. I would recommend that in lieu thereof the State grant its right, title and interest in and to the beds and waters of its navigable streams only to those who will pay the State a reasonable toll on each horse-power developed and sold. I further recommend that a public utility commission be created with power to regulate the rates of water-power companies developing hydro-electric power and that immediate steps be taken to conserve this important asset and source of revenue, which should be the heritage of all the people of Alabama. It is necessary that these corporations should exercise the power of eminent domain. This power should not be exercised before their dams are constructed and the present laws on the subject should be carefully revised, so as to prevent injustice and to secure just compensation to all who may be injured or damaged by the construction of water-power plants.

I would recommend that very liberal powers be conferred upon the public utility commission, in reference to regulating the charges of water-power companies and that we take immediate steps to create a conservation commission, with power to acquire for the State riparian rights upon navigable streams in Alabama which the State can now acquire and to conserve those which the State may now own and which have not been surrendered for a valuable consideration.

STATE GAME AND FISH DEPARTMENT.

The present game laws of the State, under the vigorous and successful administration given them since the introduction of the system in 1907, have afforded high and practical evidence of the wisdom of their enactment. Prior to such enactment the means for preserving the game of the State were totally inefficient, and the wild life of Alabama was fast becoming extinct. Deer and wild turkey were disappearing; doves were growing fewer; squirrel were deplorably scarce. Hundreds of thousands of our live quail were trapped and shipped to northern markets,

while thousands of dozens of these birds were slaughtered by pot-hunters and expressed to distant cities were they brought fancy prices at restaurants.

Against these conditions which were rapidly spelling the loss of a valuable asset of the people, there was nothing of a preventive nature beyond a weak general statute and a system of non-enforceable local laws. The destruction which the present laws were designed to arrest has not only largely ceased, but our game interests have been conserved to an extent that has made the Alabama game laws a model for similar enactment in many of the forty-seven states, where laws for fostering and protecting game prevail. That its punitive provisions are not expressed in dead letters, is evidenced by the facts set forth in the annual report of this department for the past year, showing that fourteen hundred and thirteen persons have been convicted of violations under these statutes since their enactment.

This claim of practical enforcement is matched by another result which should receive proper estimate in determining the value of the State game laws. The office created under the provision has proven a feeder rather than a dependent upon the treasury of the State. The balance credited to the fund of this department on October, 1914, was \$35,120.64; this amount represents a net profit to the tax-payers of the State—a profit earned in the cause and conservation of one of their most valued, and until recent years, sadly neglected possessions. To increase the measure of additional good possible under our present system of game statutes, and to widen the range of protection under which our game has been saved from extinction and guaranteed as future legacies of enjoyment and wealth, I heartily concur in the recommendation for amendments to the present laws, submitted in the current annual report of the State game commissioner, to which recommendations the attention of our body is earnestly directed.

I feel that with the proposed additional legislation and with the administrative capacities and activities behind these laws that have distinguished their past enforcement that they will conform to every rational ideal of requirement to which the conservation of a great interest of the people can be measured.

GOVERNOR'S MANSION.

The last Legislature, by act approved February 11, 1911, made an appropriation of fifty thousand dollars to provide for the purchase of a residence for the Governor of Alabama, includ-

ing furnishings therefor. The commission provided by the act, organized on April 27, 1911, and several subsequent meetings were held. By unanimous agreement a very handsome residence was acquired, located in the city of Montgomery, at 702 South Perry Street. It is a two-story pressed brick structure, with mansard roof, and presents a very attractive and stately appearance. The sum of forty-six thousand five hundred dollars was paid for the property, and the remainder was used in the purchase of furnishings. A full record of the proceedings of the commission has been kept, and vouchers to cover each and every item expended are on file in the office of the State auditor. The State has received full value for the expenditure.

CAPITOL EXTENSION AND IMPROVEMENT.

In continuation of the policy adopted by the Legislature of 1903, looking to the enlargement of the State capitol building to meet the increased needs of the several State executive offices, departments, commissions, and bureaus, the judiciary and the Legislature, your predecessors, by act approved April 13, 1911, made an appropriation of one hundred thousand dollars for the further extension, enlargement and improvement of our historic capitol building. A commission, consisting of the Governor, chief justice of the Supreme Court, attorney general, State auditor and secretary of State, with the director of the department of archives and history as secretary, was provided to carry out the purposes of the act. The commission was organized, on the call of the Governor, April 27, 1911, and plans were immediately projected to carry out the intent and purpose of the act. In the execution of its duties, the commission contracted for the erection of a north wing or addition to the State capitol building, the contract for which was let on June 8, 1911. The contract price was seventy-three thousand two hundred thirty-eight and 38/100 dollars.

Ground was broken on June 14, 1911, and the addition erected under this contract is believed to be one of the handsomest public structures in the State, and in both exterior and interior finish, equipment and furnishings, will compare favorably with similar structures in any part of the country. The cost of construction is believed to be most reasonable, and will challenge comparison with other and more extravagant expenditures elsewhere.

The act of appropriation specially provides that a part of the appropriation shall be used "in refurnishing the halls of the

Senate and of the House of Representatives, and for fitting up suitable legislative committee rooms and for the relief of the general conditions of the other departments of the State government." In the execute of this mandate, the remainder of the appropriation was used. Of this sum, \$5,043.47 was expended for the refurnishing of the halls of the Senate and the House of Representatives. I feel that I can point with every degree of pride to the result, and you will have an opportunity during your session of daily using the handsome and practical furnishings which have been provided for the legislative halls. Owing to the lack of funds, and for want of more room space, the commission has been unable to provide committee rooms as contemplated. This is a regrettable condition, since suitable rooms or places for the meeting of the several committees of your body have long been needed.

I feel that it is appropriate in this connection to refer generally to the appropriations and expenditures which have been made for the State capitol. It will be recalled that on December 14, 1849, the building which had been erected wholly at the expense of the city of Montgomery and presented to the State, was destroyed by fire. The Legislature was then in session. Almost immediately following the fire, or on February 11, 1850, **an appropriation of sixty thousand dollars was made by the Legislature for the purpose of rebuilding.** With that amount the historic central portion of the present building, known as the old capitol was erected. Within its historic walls were enacted the stirring scenes incident to the organization of the provisional government of the Confederate States of America, and on its front portico, February 18, 1861, Jefferson Davis, first and only President of the Confederacy, was inaugurated.

With the growth of the State, by act of February 17, 1885, the sum of twenty-five thousand dollars was appropriated, and with this sum the rear or eastern extension was erected. This portion of the building includes three stories, and extends eastward from the present library entrances to the Supreme Court room.

With the further growth and development of population, and the needs of increased opportunity for offices and departments demanded by an expanding civilization, by an act of February 17, 1903, the sum of one hundred and fifty thousand dollars was appropriated for the purpose of acquiring lands, and for the erection or acquisition of any necessary additional building or buildings for the use of the State. Of that sum sixty-five thousand dollars was expended for the purchase of the

South end of the present capitol square. The central portion, as well as the north end of the capitol grounds, had previously been donated to the State by the city of Montgomery. With the remainder of the appropriation the south wing or addition was built, and all of the several offices and rooms in the old portion of the building were overhauled and repaired.

The last appropriation was one hundred thousand dollars, made by act of April 13, 1911. The four appropriations above referred to total three hundred and thirty-five thousand dollars, representing the entire sum expended by the State since 1850, a period of sixty-five years, for lands and public buildings for its use as a commonwealth. Various small sums have been voted from time to time looking to repairs or furnishings, but manifestly these forms no part of the gross total for lands and buildings. It might be proper to here call attention to the fact that the present State capitol represents in actual expenditure a smaller sum than that expended by any State in the American Union for capitol buildings, and there are probably more than one hundred county courthouses in the United States, that cost far in excess of the sum above referred to, and which are at the same time far more admirably appointed for the conduct of public business.

The foregoing facts should be carried in mind in any discussion of public expenditures, the extravagances of previous Legislatures, and the unwarranted use of State funds for unnecessary public buildings. The State has spent far too little for public building, and the need is imperative for still further enlargement. There is still a pressing need on the part of all offices and departments for necessary room for the proper and expeditious conduct of official business. There is not an office or department in the State capitol which is not crowded for space. It is a false notion which assumes that an office or department is serving its best purpose by narrowing State business to a corner. Unless constantly expanding to meet the needs of a growing and aspiring people, no office has a right to exist. Offices and departments do not exist for the pleasure of incumbents. They are made necessary by the complexities of our expanding State life. Therefore, instead of being hampered and held down, they should be given an opportunity to meet the demands of a more and more exacting public.

If I may be permitted to particularize, I would urge that provision be made for a special building for the use of the Supreme Court, the Court of Appeals, and the rich collections of the Supreme Court Library. A building suitable to their

needs for two or three generations could be provided by an appropriation of one hundred and fifty thousand dollars, and an appropriation for that amount ought to be made. With their removal from the present building, space would be provided for other offices and departments for necessary expansion until a later session could meet their growth. The erection of a judiciary building would serve quite as much as any one thing you could do to demonstrate that call of aspiration, which would invite progressive immigration to our borders, and at the same time hearten our own people to an appreciation of the dignity and power of their State.

In accordance with the requirements of this act, the proceedings of the Alabama capitol building commission have been carefully recorded, and the several expenditures authorized have been made strictly in accordance with the law, and within the legislative appropriation. The books and papers of the commission are in the hands of the secretary, Dr. Thomas M. Owen, director of the Alabama State department of archives and history.

ARCHIVES AND HISTORY DEPARTMENT.

The wide range of activities covered by the Alabama State department of archives and history, and the enthusiasm and constructive purpose with which its work is carried on by the director, Dr. Thomas M. Owen, and his efficient staff, require special mention. This department was established by act of February 27, 1901, during the administration of the lamented Gov. William J. Samford. From the very beginning it has demonstrated a large degree of usefulness, and its influence has been wholesome, stimulating and far-reaching. It was created to meet the duty of the commonwealth to its archives (public records) and to its history. Broadly stated the objects designed have been more than met, and with the passing of the years the department has undertaken the administration of a number of additional duties. The following is a grouping of the subjects comprising its activities: archives, historical and reference library, gallery, museum, library extension, anthropology and natural history, and a research, extension and reference service.

It is gratifying to me to state that Alabama is practically the only State in the Union where *all* of the official archives, or public records not in current use, have been centralized in one collection, and under expert supervision and management. In many jurisdictions special groups of records have attention, but in *Alabama* we have the interest condition of a centraliza-

tion of *the entire body of records* of the commonwealth, all systematized and available for immediate use. The records are of priceless value. They include the letter books of Governors, official appointment and commission registers, financial records, educational records, judicial records, legislative records, records of constitutional conventions, the proceedings of special boards and commissions, and records of State institutions. Historians, students and business men can now alike enjoy the opportunity of researches in the fundamentals of our State life.

The historical and reference library of the department now numbers more than one hundred thousand books and pamphlets, covering every branch of literature, but particularly the fields of bibliography and reference, sociology, literature and history. The collection of U. S. government publications and State official documents is the fullest in the lower South. The collection of Alabama literature is unrivaled. Another item to be noted is a collection of more than six thousand volumes of newspaper and periodical files.

The gallery and museum contain hundreds of likenesses of men and women who have made Alabama history. One competent expert has pronounced it a most representative collection of historic portraiture. The museum contains cabinets of aboriginal objects, pioneer relics, war and other historical relics associated in some way with our State history. Two cabinets contain surviving battle flags of Alabama troops in the Confederate Army. The department has plans for the installation of anthropological and natural history collections, and exhibits showing the State's resources. A beginning has already been made in assembling these materials.

Doubtless you have observed the increase of interest in books and libraries in Alabama during recent years. In 1907 the Legislature directed the department to do library extension work, which in other States is largely performed by library commissions. No more important culture force can be found than through free public libraries, and the people of the State are greatly indebted to the department for its splendid service in stimulating the use of good books. As a part of its library extension activity, a system of traveling libraries is maintained, whereby small collections of books are circulated in rural communities, schools, and to study clubs. The very excellent Alabama library list, from which selections are made for rural school libraries, was compiled by the department.

The research, extension and reference service of the department demands special notice here. In these respects it is an in-

formation bureau for the people of the State. Annually thousands of calls, either by correspondence or in person, are made upon the resources of the department. The researches of students are aided and facilitated. Every effort is put forth to arouse greater enthusiasm in historical work and enterprise throughout Alabama, lectures and conferences are arranged, and assistance is rendered, not only to individuals, but to historical, literary and patriotic societies. Among other extension activities the department has assumed the distribution of all State official documentary material with the exception of Codes, Acts and Court reports.

One branch of this particular activity ought to make a special, definite and sympathetic appeal to you, and that is the legislative reference service rendered by the department. You have been made familiar with this service through recent communications, documents, references, copies of laws, digests of legislation, etc., etc. The service generously rendered, if received seriously, has done much by way of preparing you for your delicate and important legislative labors. The entire resources of the department are at your disposal. An index has been compiled, based upon a special collection of materials covering probable subjects of legislation, as public utilities commissions, workmen's compensation, blue sky legislation, penal reform, agricultural credit, child labor, drainage and reclamation and revenue systems, education, municipalities, insurance regulation, loan shark evil, etc., etc.

In 1907 the Legislature imposed the new duty on the department. In doing so it followed the lead of the most progressive American commonwealths, in the effort to render competent assistance to legislators in their official labors. This new department took place in 1890, and now more than two-thirds of the States make provision whereby special collections are made, and expert aid rendered members of legislative bodies. In many of them liberal grants are made in support of such work, and a large and trained staff of well-equipped men, many of them lawyers, are employed. At the meeting of the Alabama State Bar Association, July 13, 1910, in my annual address as president, in commending legislative reference work I stated in part:

"It is truly said that until recently no provision was made by the laws of any State for assisting legislators in their work. In 1890 New York provided for issuing bulletins of the laws of other States, and this was followed by Wisconsin in 1901,

by the establishment of a legislative reference department upon a very elaborate plan.

"Montana, North Dakota and Pennsylvania have followed the example of Wisconsin and now the system prevails in more than a dozen States. Too often in legislative halls we witness the spectacle of strong men grappling with problems and questions which have long since been settled by the best thought of the world. The experience of recent sessions of the Legislature in Alabama should admonish us that some system of this kind is needed in this State. The large number of laws declared invalid by the courts for failure to comply with some constitutional mandate in their enactment, or for violation of some constitutional prohibition shows an astonishing lack of care, deliberation and study, in view of the importance of the interests involved."

Again in an address delivered by me at the Governors' Conference, Colorado Springs, August 28, 1913, on the subject of "Distrust of State Legislatures, the cause, the remedy," I further expressed the opinion that

"Every State should provide a reference legislative library, and the committee should have ample time and opportunity to thoroughly investigate every important question submitted to their consideration."

The assistance to be rendered legislators naturally resolves itself into three or four distinct groups, including the collection and organization of materials bearing upon probable subjects of legislation, the analysis and philosophic interpretation of the data which has been assembled, comparison of proposed measures with similar legislation elsewhere, and expert drafting of bills and measures before they are submitted to the legislative body. With the resources available to the department only the first three have had consideration. Manifestly much of the assistance proposed can only come from trained service, particularly in the matter of research and bill drafting. It would seem, therefore, that the very practical course to be pursued by you would be the immediate adoption of some plan or rule whereby an expert parliamentary bill drafter could be employed as previously suggested, with one or more assistants, whose duty it should be to assist members in framing bills, or in going over bills which had already been prepared, and also in order that as occasion might demand, they could appear before committees for the purpose of assisting in putting more important bills in appropriate form. Owing to the lack of time in which the members and committees themselves might do this

work themselves, it is absolutely necessary, if satisfactory results are to be obtained, that outside assistance be brought in. And such course is in strict accord with the modern method of approach to all great tasks, namely, that of making use of the brains, energies and experiences of others.

The department of archives and history should be further encouraged in its praiseworthy work, and should be given enlarged opportunity. Its needs are imperative. More space should be provided for its rich collections, and for the proper discharge of its multiform activities. If the people of the State would only make use of its wonderful resources, they would be daily richer thereby. In every line of activity committed to it, the department deserves all that a generous and sympathetic Legislature can do in its behalf.

GOVERNORS' CONFERENCE OF STATE OFFICIALS.

In 1912 I called a conference of the several State officers, heads of departments, and presidents of commissions, bureaus, and boards, for the purpose of considering the organization of a monthly conference of State officials, in order that they might get in closer touch with each other, and that thereby there might be a more harmonious and uniform transaction of public business. The suggestion was favorably received, and a formal organization was effected. From time to time the conference has held meetings, and the beneficial results are apparent in many ways. Through the initiative of the conference, the post-office department has provided, without expense to the State, a special carrier for the Montgomery P. O., who gives his entire time to the State official mail; a directory has been placed near the front entrance to the Capitol building; a private branch telephone has been installed; and a better organization of the Capitol janitor service has been worked out. A continuation of the conference is recommended to my successor.

STATE HEALTH DEPARTMENT.

Great advances having been made in recent years in the knowledge of the causes and methods of prevention of diseases, the public health system of the State should be utilized to its fullest capacity for the practical application of this knowledge. On the principle that prevention is more humane and more economic than cure, the question to be determined by the legis-

lative department of the State resolves itself into two alternatives, to-wit, to permit people to suffer and to die from diseases that can be prevented, or to supply the public health system of the State with the means of prevention. Between these alternatives there can be no hesitation as to choice. I therefore recommend that ample appropriation be made to the State board of health to enable it to do for the people what it stands ready to do. In dealing with the problem of the prevention of disease, health officials, in order to do their best work, must be vested with adequate power to require prompt obedience to their orders. For health officers to issue orders which they cannot enforce, paralyzes their efforts, and largely diminishes the benefits that would result from a vigorous enforcement of health and sanitary laws.

I recommend, therefore, that more power be conferred on health offices, State, county and municipal, to employ the skill they are supposed to possess, and ought to possess, for the benefit of the people.

The State health officer devotes his entire time to official work and is provided with an adequate salary; the time has fully arrived for the counties to take a long step forward by providing salaries for their health officers that will command all of their time and thus secure correspondingly larger and better results for their people. With this addition to the working efficiency of the public health system of the State, the sanitary surroundings of every home in the State would be immensely improved. Then, disease and death would not levy the tributes on the energies and the lives of our people they have heretofore done; then capital and labor would be attracted to our farms, factories, and furnaces, and Alabama would take the advanced position among the States to which her resources richly entitle her.

THE PANAMA PACIFIC EXPOSITION.

This exposition will furnish to the State of Alabama the greatest opportunity offered in a quarter of a century for proper exhibit of its marvelous resources. Our proximity to the Panama Canal, the necessity of stimulating closer trade relations with South American countries and the Orient, and the importance of securing new markets for our surplus products, are cogent reasons why the State should be properly represented at the exposition. Alabama of all the States should take a prominent part in the exposition to celebrate the completion of

the Panama Canal. As the days go by, it is universally recognized that to Senator John T. Morgan of Alabama was due the credit of creating that dominant and irresistible public opinion which forced the construction of an Isthmian Canal. As Alabamians, we can justly rejoice that when the impartial historian writes the narrative of that mightiest achievement of the race in overcoming the forces and powers of nature, that three of the greatest names that will be imperishably linked with the construction of the canal were furnished by the State of Alabama, Morgan, Gorgas and Seibert. Alabama leads all the States of the South in the variety of her resources, and with the rapid growth of her manufacturing enterprises and the development of her iron, steel and coal industries, it will be necessary for us to seek new markets for our surplus production. The completion of this canal brings us thousands of miles nearer to the markets of the world, and Alabama should have her just share in the great commerce, which it is confidently believed, will be created through the agency of this canal. I therefore urge that you will give careful consideration to the question of making a suitable appropriation to secure proper representation of the State at this important exposition.

COTTON EXCHANGES.

There is one fact that has been brought home sternly to the people of the South as the result of the European War and that is that cotton exchanges are needed; that they are necessary adjuncts to the marketing of our cotton crop and perform a valuable and important function in modern commerce. It has been truly said that there is no other method by which spinners can make forward contracts except through the use of the cotton exchanges. Through painstaking methods of securing statistics and all available information, as well as quotations, the correct idea as to price is made possible. The United States Government has passed a very comprehensive and stringent law on this subject, fully regulating cotton exchanges and preventing gambling. I would therefore suggest that cotton exchanges that strictly comply with the Federal law be authorized in Alabama.

BUREAU OF COTTON STATISTICS.

I recommend that the bureau of cotton statistics be abolished.

The work of this department is now entirely performed by the department of agriculture of the Federal Government, and this department simply undertakes to duplicate this work.

IMMIGRATION BOARD.

Experience has shown that there is but one successful method of securing immigration and that is by the colonization plan. The prevailing method of advertising and personal efforts to secure individual settlers has not proven satisfactory. One of the necessary results of the European War will be the influx into this country of a very large and desirable class of immigration. Alabama should be prepared to take advantage of this opportunity to increase her population with this worthy class of immigrants. The present laws on the subject should be carefully revised and a sufficient appropriation made to make this department more efficient. The moneys appropriated to this department should not be expended in hand-books and fruitless advertising, but in preparing feasible colonization schemes and seeking through personal effort to divert to this State the desirable immigrants from other countries.

INSURANCE DEPARTMENT.

This department has grown to be one of the greatest revenue producing agencies of the State government. It is a department which in addition to producing revenue is vested with large powers for the supervision and regulation of the various insurance companies doing business in this State, whether they be foreign or domestic. The work of this department is of great importance to the protection of the people of this State against any frauds in insurance which may be attempted to be perpetrated. It is also charged with the duty of examining into the solvency of the various insurance companies doing business in this State and the methods by which they conduct their affairs. In order that the work of this department may be properly carried on it is necessary that the insurance commissioner study from a practical standpoint the entire insurance field, and he should be a man who is skilled in insurance matters and understands the complicated and difficult problems which are presented by this growing field of our modern activity.

I therefore recommend that this department be made a separate department of the State government, and placed in

charge of an insurance commissioner to be appointed by the Governor, and that the Governor in making his selection be required to appoint some one who has had actual experience in insurance matters.

STATE BANKING DEPARTMENT.

The State banking department has proven to be one of the most useful and important departments of the State government. The Alabama banking law has been recognized as a model of its kind. I would, however, recommend that the assessment against the various banks be increased to such sum as will make this department self-sustaining, without any additional appropriations from the State treasury.

I do not believe that the assessments against the banks should be made with the view of producing revenue but solely with the view of making the department self-sustaining.

STATE LAND DEPARTMENT.

I desire to call attention to the imperative necessity for legislative action in regard to our State lands.

The report recently filed with me by the State land agent shows that the State is the admitted owner of 134,768.60 acres of land. This, as the report shows, has been neglected until the timber is gone and much of the land is in cultivation, with no income to the State.

The management of these lands has not been creditable to the State; neither can it be said that the obligation that the State assumed, when it took title to them, has been in all respects properly and faithfully discharged.

The interests to which they belong have suffered in consequence, and many individuals have been needlessly annoyed and troubled.

The same report of the land agent shows that 116,319.25 acres of land, shown by the records to belong to the State, are in dispute between the State and individuals claiming it.

According to the report of the State land agent, there has been collected during my administration, from such lands that have been sold, from compromises, collection of old notes and adjustment of other claims involving land \$139,259.92, which has been paid into the treasury, as required by law.

Some of the land does not belong to the State now, the records to the contrary notwithstanding, and the showing made

by the records as to the State's ownership is a cloud upon private titles that should be removed.

The records with reference to the different classes of lands owned by the State and held in trust by it for various institutions, have always been, and are now, distributed through three or four departments, neither of which is hardly complete within itself, but each, more or less, interdependent upon another, or upon all the others.

To properly place these affairs in such shape as to accomplish the most satisfactory results, a distinct department for the conservation and management of the State lands should be formed by *reforming* all the laws of the State in regard to the State lands.

If this were done, more effective results would be obtained, and this would be accomplished at less expense than is incurred under the present disorganized and incomplete method.

It may be said further, that under proper management, the income from these lands in rents and royalties will far exceed the cost of their administration, and the proper adjustment of titles will be of lasting value to the people of the State.

AGRICULTURAL DEPARTMENT.

There is much unnecessary waste and expense caused by the present law which requires the tags unused to be destroyed. The purchase of these tags entails considerable expense and some method might be adopted by which several thousand dollars could be saved by the State annually.

I therefore recommend that you carefully investigate this question and enact suitable legislation to prevent this unnecessary expense.

I have cited this instance in reference to tags:—it seems to me that there are other matters connected with this department by which unnecessary duplication and waste could be prevented and greater efficiency promoted and I would suggest that you give the matter careful consideration.

DISTRICT AGRICULTURAL SCHOOLS.

It is extremely doubtful whether the work of these schools justifies the appropriation now being made by the State for their support and maintenance. During my term new courses of study have been established seeking to make these institutions perform the work for which they were intended. It is ex-

tremely difficult, however, to prevent these institutions from doing purely the work of county high schools. Moreover, the work they do is but duplicating the work done at the Alabama Polytechnic Institute—scientific and practical agriculture. If we are to reform our educational system we must prevent waste through duplication. I do not believe the State is receiving proper returns for the money now expended and I therefore urge the appointment of a special committee to visit these institutions, to take testimony and make a full and complete report, so that you can have proper information on which you can determine whether the State should longer continue to support and maintain these institutions.

STATE MINE INSPECTORS.

This department should be self-supporting. It is for the protection of the coal operators and their employees and I recommend the passage of a law requiring a sufficient contribution from each person, firm or corporation engaged in the mining of coal to support and maintain this department.

FEE SYSTEM.

At the general election in 1912 an amendment to the Constitution was adopted authorizing you to fix, regulate and alter the fees, commissions or salaries charged or received by the officers of Jefferson county. The evils resulting from the fee system have already been fully discussed in this message. It is well known that the salaries now received by the officials in Jefferson county, owing to the fee system, are excessive, and there is an urgent demand from the people of that county that the present fee system be abolished and adequate salaries be fixed by law.

I urge your careful consideration of this question.

CONCLUSION.

My failure to mention specifically the recommendations contained in the reports of the various departments does not mean that they have not received my approval. They will all be submitted for your careful consideration. My message has been lengthy but this is due to the fact that by the provisions of the Constitution I can submit to you only once in four years the condition of the State and such recommendations as may be

expedient. I will shortly retire from office and I take this occasion to thank you and the people whom you represent for the uniform courtesy and consideration I received, for the honor done me by my election and the opportunity given me of serving a people to whom I am endeared by every tie of affection and friendship. I have endeavored to outline in my message those reforms in our legislation which have been brought to my attention as the result of experience and which I believe will receive your careful consideration. The duty is incumbent upon you to secure every possible economy in the administration of the affairs of the State without lessening the efficiency of any department. The people of Alabama are not niggardly. They only demand that retrenchment or reform which will guarantee that every dollar expended of the public revenues shall be wisely and economically expended for a public purpose and that all waste or extravagance be avoided, but they would not be content, if through any spirit of economy the administration of the departments of the State government be weakened or the State's activities in necessary fields of legislation curtailed. It is my earnest prayer that the blessing of the Most High will guide your counsels and crown your labors with abundant success.

Respectfully submitted,

EMMET O'NEAL,
Governor.

MESSAGE
OF
GOV. CHARLES HENDERSON.

To the Senate and House of Representatives:

It has been your fortune to assemble at a great history-making epoch, at a period when all the great nations of the world, excepting our own, are at war. In the midst of such gigantic conflict, our material interests have greatly suffered, and it is natural that our people look to their representatives with hopes. To what extent, or whether at all any such hopes can be fulfilled through you, depends largely upon circumstances that at present seem to transcend the abilities and the mere acts of men. But whether you succeed or not, your constituents have the faith in your desire to be of service. They have given you this confidence and trust in your election, and in the desire to merit this confidence, we must all unite to bring into action the best there is in us to accomplish our aim.

Among all the great problems that face us at present, none equals in importance, the widespread distress brought upon our people by the war. The assertion is generally made, that in this depression our people had no share in the cause, and they were made the innocent victims of the passions of a far-off war. Are we really to be held entirely blameless for our distress? For over ten years the South has been producing bountiful crops which have been selling at remunerative prices. The prosperity of this section had become the boast of the entire nation, and the world looked with envy upon us, for the wealth we were reputed to be accumulating and rapidly storing up. And when the storm broke loose our wealth was gone, and we look upon ourselves as the poorest of the poor. For being bare of means after ten long years of prosperity, we cannot be blameless. If we have been so improvident as not to forestall the probable days of distress by economizing, by laying by and providing, the punishment is not uninvited. But the lesson must be applied, and must be heeded henceforth. The history of civilization teaches that misfortunes are the best task masters of humanity. Nations decay and degenerate from con-

tinuous prosperity. The best lessons given us from these days of adversity, is, that greatness rises from defeat. We must draw from within ourselves the ability to relinquish desires, to struggle and to improve our habits, to manage and to encourage and to run our farms, as if they were mines and laboratories, wherein the smallest things are made to produce, and every particle is weighed and measured.

But turning from economics to political consideration, it is well we take cognizance of the feeling of distrust in the efficiency of our government, which existed at the time even when you were elected. This feeling, if anything, has been aggravated by the economic distress to which I have referred in the foregoing. We are, therefore, before the people on trial, and will have to take under consideration many measures. In a subsequent message, I shall discuss with you, more particularly, measures relating to our present economic condition.

But, broadly speaking, we have been only too prone to enact legislation under stress of emotions, while in periods of calm, we have been inactive, when we should have been shaping and preparing for the storms. It is, therefore, my desire, to discuss today our habits, and if we could succeed in changing them to produce well balanced results, we have advanced considerably towards the accomplishment of good government.

In your office as legislators, you possess a wide scope of power. Within the limit of the constitution, your field of action is as broad as the ever changing requirements and conditions demand. You are not even fettered by instructions from your electors, who have imparted to you the only mission, to work for our State and to promote the interest of its people.

Much negligence of good has been committed in the past, by concentrating our minds just upon such legislation that had become the great issues of election campaigns. It resolved itself into nothing more than a scrap as to who could win, and a mere quarrel over issues that overshadowed others of great importance which failed of attention.

The principles of government are sufficient to meet the needs of every condition as it arises. If any weakness become apparent they can be straightly charged to the inefficiency of those whose duty it is to execute the law correctly. But in the evolution of time, nothing remains at rest. The constant change of conditions brings on new problems, all of which, however, you will find no difficulty in adjusting by care and diligence, and a due regard for the spirit of our fundamental law, which at all times should be kept alive.

The hard times of the present have placed us in days of sobriety and self-examination. We feel the sting of past extravagance, and are paying the penalties of the wastes we have committed. And you are called upon to apply the remedy and repair the waste.

There can be only two remedies from which to choose. Either to increase revenue or to cut expenses. But in weighing our present condition in the scales, it will be impossible to increase revenues. As an example I wish to point to one department which alone in 1914 produced \$200,000.00, and which, from present indications, will not produce over half as much during the current year. The next step then is to make a cut into our appropriations, and here the question asserts itself: Can this be accomplished without seriously impairing our government? Some would suggest the abolishment of useless offices and a horizontal reduction in salaries among government officials. The abolishment of useless offices is commendable and should be carried into effect. But the financial benefits therefrom would still be insufficient. The process of an horizontal cut in appropriations and salaries would be an easy way to be sure, but yours is not the duty to follow the course of least resistance. Your action should have but one aim in view, that which tends to benefit the State and its interests.

Our county and municipal governments that are clothed with legislative authority, have followed the lead of our supreme law-making bodies. Former legislatures have tried to check this tendency to extravagance by cities and town governments. Radical changes were enacted, which it is true were not new and untried, but, for all that, they have not proven to be the panacea it was expected of them to be.

In our effort to secure thorough legislation, greater efficiency, I don't think it is necessary to yield a particle in our veneration for the ancient institutions of government. I have faith in representative government, and to discredit it would be counter to good sense and to the law of freedom. The initiative and referendum are only the demands of the people to recall legislative action from your hands when you have failed. This exigency arises only after long endurance, and when hope has passed of the Legislature applying palliative measures.

It is not difficult to discuss the course which produces distrust in legislative action. If our Legislature would only apply upon themselves, the requirements which they exact of others, much dissatisfaction would be prevented. For instance, our supreme law-making bodies of the states, as well as of Alabama,

have examined into, and detected, the evils in municipal government, and have attempted to apply the remedies. Yet, in doing so they have often ignored the fact that their own bodies have been inflicted with the identical disease.

Such diseases are produced by permitting the rivalries and desires of local interests to obscure and contract our vision, when we come to look at the interest of the State as one great unit. There is a wide difference in viewing in viewing local interest, from interest of the State at large. In matters effecting solely the interest and wishes of your own localities, you are merely their representative, and it is proper you should strive to serve them. But, if in carrying out their wishes, it is necessary to take action that will effect the interest of the whole State, then we must rise above local pride, and serve no one but the supremacy of the State, to bow to the wish and will of the people of the whole State, and to what is best for the interest of Alabama. With a recognition of these principles, and with the consecration of our time and labor to the State, we should proceed with the work before us, discharging our duties in such a way that peace, prosperity and happiness may find with us an abiding place.

To do this you must have knowledge of the affairs of the State. The constitution provides that both the retiring and incoming Governor shall give you information as to conditions. My distinguished predecessor has complied with this command, by placing before you the financial status of the State and giving to you the benefits of his own knowledge, gained from four years study and application to the affairs of the State. He has given you a complete history during this period. A review, by me, will necessarily contain many duplications of facts, but as each one of you draws his own deductions, varying with each presentation, the purpose of the constitutional requirements is accomplished by keeping these conditions constantly before you.

FINANCIAL.

The tendency with us is to depreciate the things that are old, and to neglect needful repairs to the things we have, in our longing for methods that are new. The system for handling the State's revenues as originally adopted and handed down to us, was ample for the requirements at the time, and is good today, if we will only adhere to the outline and develop it to meet the needs of the enlarged business. But as new sources

of income have been developed, we have permitted the system to become a patchwork, with too much laxity, and with too small an accountability, from those who handle the public monies. The greater the volume of business, the greater care in the supervision is necessary, and instead of abandoning the system, adherence to it should be the more exacting.

The treasurer is the custodian of our finances, and the auditor does the accounting. Various departments of the State collect the revenues incident to the general conduct of their official duties, and appropriations are made to different departments for contingent expenses, without proper restrictions. It should be required of every one who has to do with the collection, or the handling of public money, to file an adequate bond and make daily settlements with the treasurer, with a corresponding report to the auditor. The use of the contingent fund by every department, should be subject to the approval of the Governor.

The auditor's reports are expected to reveal the financial condition of the State, but the law has failed to define what his annual report shall contain. Besides the receipts and disbursements, it should set out which of the appropriations that are payable during the last three months of the calendar year, are liabilities against the collections of the expiring fiscal year, and the auditor's balance arrived at and presented accordingly. This may seem superfluous, but how many are there among you who can agree as to what the financial condition of the State was at the close of any fiscal year?

The report of the auditor for October 1st, 1914, the first day of the current fiscal year, shows that there were \$130,299.15 in the State treasury. It further shows that the outstanding warrants amounted to \$950,202.01, with a temporary loan of \$100,000.00. The apparent deficit is \$919,902.86. This, of itself, does not, in my opinion, represent the true condition of the State's finances. We must know the amount of the obligations, or appropriations that were intended to have been paid during the current calendar year, out of the collections made during the fiscal year previously closed. As to what was the true condition of the State's finances at the end of any fiscal year, has been a mooted question with each succeeding administration. In search of this information, different methods have been used by the various administrations, and the ideas adopted have been as varied and numerous as the individual effort along this direction. We, sometimes, find the method used by the same administration to be different when retiring, from those

presented by him on his accession to office. These matters are not stated by way of criticism, but to emphasize the fact that you yourself should make careful study of the conditions, and satisfy your own minds, as to what is the financial status of the State, before insisting on any action whatever, that may effect the State's revenues.

The lack of this information, doubtless has been responsible for many of the liberal appropriations through which the present indebtedness was created. Let us look into and see what are the conditions of the State's finances.

On the 1st day of October, 1914, the outstanding warrants, less the amount in the treasury, were \$919,902.86. The appropriations for which warrants were issued during October, November and December were \$2,455,149.46. The entire receipts during this time were \$1,316,650.63. How were these appropriations which were due in October, November, and December intended to be paid? Surely not out of taxes that were not collectable until after December 31st, following. The constitution never anticipated there would be a deficit in the finances of the State greater than \$300,000.00, and for this they made provision. The Legislature only made provision for a loan of \$100,000.00. It looks reasonable, that if the law-making bodies of the State had intended these appropriations which are payable during the last three months of the calendar year, to be paid from the receipts of the current fiscal year, they would have made some provision by which loans could be made to meet them, and would not have depended upon its citizens anticipating the payment of great sums, before they were collectable. To meet the payments to the schools, to the pensioners, and to provide for other necessary expenses during the last three months of the past several years, the State has relied upon the larger property owners paying their taxes before the law required.

The constitution provides for a three mill tax for education, and the Legislature levied one mill for the veterans. These are trust funds and were treated as such, until extravagance necessitated a commingling of all the funds of the State, to tide its finances through the calendar year. The educational special tax was intended to be disbursed throughout the same calendar year in which it was collected. The pension fund was originally made payable to the beneficiaries on the first day of October, at which time, it had all been collected, but this was afterwards changed to quarterly payments. The effect of that action was, to extend the period for the distribution of this

fund still further beyond the time of its collection. The same conditions apply to the three mill constitutional tax for education. The first requisite towards improving your financial condition is knowledge of your present status, and to have this, you must know what your obligations are, when they are due, and from what funds they are to be paid. It is neither the time nor the occasion to juggle with figures, and you should define and settle at the beginning of your labors, the method by which we shall arrive at the exact status of the State's finances. It is well not only for the sake of comparison, but absolutely for intelligent guidance and action.

For the purpose of reaching some conclusion and as a basis for calculation, let us accept as true that at least the pro-rata of the trust funds due the school, and the pension fund, for the last three months of the calendar year, were intended to be paid from collections made during the fiscal year ending September 30th, and that the balance of the expenses were to be paid from collections of the current fiscal year. This is certainly the most liberal construction to be placed upon the acts of our law makers, and is a low estimate of the needs of revenue to meet expenses for these three months, under normal conditions.

On October 1st, 1906, during the Jelks administration, there were \$1,826,326.09 in the treasury, with no past due obligations. Was this all surplus? Not by any means, because there were \$828,275.00 appropriations due in October, November and December, for the payment of which, the taxes had already been collected. Of these unpaid appropriations \$375,111.00 belonged to the school fund and \$471,164.00 to the special tax pension fund. Deducting this would leave a surplus of \$998,051.00.

On the 1st day of October, 1910, the auditor's statement shows there were \$370,739.34 in the treasury. The disbursements for October alone were \$571,634.70, while the receipts for the same period were only \$159,070.77. This shows the fallacy of accepting the amount in the treasury at the end of the fiscal year, without taking into consideration any appropriations, as representing the financial status of the State.

Applying the formula heretofore presented, according to the auditor's statement, will produce the following results for October 1st, 1910. Balance in the treasury \$370,739.00. One-third of education fund \$656,343.00. One fourth soldier's fund \$248,728.00. Deficit October 1st, 1910, \$656,343.00.

For 1914 the results would be as follows: Balance in the treasury \$130,299.00. Unpaid warrants and money borrowed \$1,050,202.00. One-third of educational fund \$754,500.00. One-

fourth of pension fund \$253,845.00, leaving a deficit in 1914 \$1,928,248.00.

The receipts for the four years, of the two preceding administrations, from all sources, were respectively as follows: From September 30th, 1906, to October 1st, 1910, \$18,712,746.20, and for 1910 to 1914, \$24,620,796.56, while the disbursements were for 1906 to 1910, \$20,233,854.53 and for 1910 to 1914 \$25,978,926.00, showing expenses in excess of the receipts during the eight years to have been \$2,879,338.00, which amount is increased to over \$3,000,000.00 by the release since October, of appropriations which had been held in suspense. This explains how the great deficit in the State's finances was brought about. We were prosperous and had accumulated a splendid surplus, then the prodigal spirit took possession of us, and we not only spent what we had saved, but what we expected to save during continued prosperity. Daily we have surrendered to our desires, until the habit of the spendthrift has become chronic with the State, and the never-failing result is our portion. This is a vast sum, and even that, does not take into consideration any warrants that may have been issued subsequent to the report of the auditor, for any appropriations which had been held in suspense. It exceeds 30% of the entire revenues of the State collected in 1914, which were the greatest in its history. It is equal to 8% of the entire revenues for the four years of the last administration. The deficit during the last year alone was \$466,023.94, which exceeds 7% of the income of the State during 1914.

If the assessed values and income from other sources, should remain the same during the next your years as they were in 1914, to curtail the appropriations only 7% would leave the accumulated deficit untouched. To reduce appropriations below the revenues sufficiently to liquidate the whole deficit during the next four years, assuming the revenue will remain the same as in 1914, would require a reduction in appropriations of \$948,085.00 annually below what they were in 1914. A greater sum than the combined salaries of all the officers of the State. To absorb this deficit would require a reduction of a little over 13% per year in our appropriations, for the next four years. You must bear in mind these sums are based on revenues of 1914, and if they should be decreased, it would demand a corresponding decrease in your appropriations.

In addition to the appropriations which have been paid, or taken into account, in this presentation, there are a large number which are being held in suspense. These I am informed will amount to nearly \$1,000,000.00, possibly more. The question

that instantly presents itself to your minds, and to my own also, is how can this intricate proposition be handled without impairing the efficiency of the State government? To make horizontal cuts in appropriations to such an extent, that the deficit will be liquidated in your years, and leave the heads of the different departments to work out their own system of existence, would result in confusion worse confounded. You could not expect to secure satisfactory results in this way. Dissatisfaction would only be increased. Let us apply ourselves to the proposition, and strive to improve on the efficiency of the government, with less expense to the taxpayer. If we should succeed in this, our reward shall be the self-consciousness of a duty well performed.

Suppose, first, you repeal every suspended or conditional appropriation. They are commonly designated as having strings tied to them. The strings are liable to break at any time, and are a standing menace to the treasury.

With these out of the way, pass your revenue bill and we can then make a fairly correct estimate of what the revenues will be for your disposal. The proper way it appears to me to handle this deficit, especially in view of the financial condition of the country, is to make provision for temporary loans to the full amount of the constitutional provision, and fund the balance of the deficit. This is the practical view to take of the situation, and of the conditions, as we have found them. I don't think these bonds should extend over a long period, but absorbed out of current funds during the next ten years. Such securities cannot be sold to the same advantage as long term bonds, but as this indebtedness was created through extravagance, we should practice self-denial, that we may not soon forget the way of the transgressor. With the proposed constitutional amendment authorizing the bonds, there should be another submitted as a companion, one that will act as a stay against the subsequent Legislatures making appropriations beyond the probable revenues of the State, and at the same time provide for more mature thought and consideration to the needs of the different interests in the State. This amendment should provide for the appointment of a commission, which shall meet at least six months before the assembling of the Legislature, to suggest revenue measures and to make up a budget for legislative consideration, to be published for at least three months before the assembling of the Legislature. The Legislature to have authority only to approve, disapprove, or decrease the appropriations submitted in the budget, as presented by the commission. This would give the opportunity for mature study

of the conditions over the State, and we would then have more intelligent and business-like action than is possible to have under the present system. It would prove a strong guarantee against any repetition of the conditions which you now face, and its value to the State, would be greater than the amount of the present deficit.

Having ascertained the financial condition of our affairs and made provision for the deficit, we should now give our attention to the different departments, and reorganize them on a thoroughly efficient basis.

TAX SYSTEM.

Taxation being the channel through which the State derives its revenue, you should be careful to adhere to a well defined system avoiding division of the same class of work between officers whose principal duties are of an entirely different nature. The collection of revenue for the State is really a part of the financial system and must be treated with the same exactness.

The amount of contributions to the cause of government, national, State, county and municipal is estimated to be around \$130.00 for an average family with an income of \$850.00 per annum. This is a heavy cost for government and a large percentage of the income of the individuals who make up the government. This not only emphasizes the necessity of economizing, but for the equal distribution of the burdens also.

The amount paid for the support of the national government is little considered by the average mind, as it is largely collected through indirect sources. This is an easy method to secure revenue, but the State discarded this relic of autocratic days, because of its tendency to encourage profligacy against which, the framers of our constitution attempted to safeguard the interest of the people, by restricting the taxing authorities. But there seems always to be some way in which to circumvent the spirit of that instrument if the desire exists, and the necessity of conditions seems to justify such action. The continual increase in our expenditures have required a corresponding increase of revenues, and to keep pace with the demand for more money new sources of taxation have been developed, until the people have become vexed and impatient at the periodical demand for a still larger share of their earnings.

It is not only the increase in tax which has to be paid, but the uncertainty of liability and the manner in which it is secured. Fee officers, with their attending cost, often greater than the addition to the State's revenue, causes friction and

creates a feeling of distrust. It is contended by some that we should have a change in our constitution to settle our tax problem, but we are working under the present law and it is for us to improve on what we have.

We do want a more settled condition and a definite understanding of what is expected of the tax payer. We know that revenue is necessary, and few object to paying their just proportion of governmental dues. But they want to be satisfied that the affairs of the State are being efficiently administered and that the sources of taxation are so defined that, they will not be called upon to pay a double tax on the same property. In my opinion, we have too many ways of collecting taxes from the same subject. Public utilities are assessed by various boards with conflicting ideas of valuation. If this work can be consolidated so as to include every species of value into one assessment, it would result in less labor, and a decrease of friction. All values of these properties whether from franchise, grants or investment, are reflected in their income, provided all of their properties are used in operation. This income can be capitalized, which should approximate true values.

The question of assessments on solvent credits has recently become a disturbing factor. The taxing of this species of property was supposed to have been obsolete, until recently resurrected. Solvent credits are, and should be classed as property as other values, but the cases are rare that individuals, or institutions, should be required to pay on the face value of their holdings at any given period, although they may all be solvent.

For a long number of years, solvent credits were regularly assessed with some qualifications, but later was thought to have been supplanted by a privilege tax on recorded evidences of debt. This privilege tax was small, only 15c per hundred dollars or a fractional part thereof, but the revenues derived from this tax were greater than that before received from the tax on solvent credits. It appears to me that we should extend this principle by requiring a similar tax upon all written contracts for the payment of money. The burden would be light, and the uncertainties of valuation in this species of property would be removed. This is the practical plan of securing revenue from invisible property of this nature. This would have to be collected through the sale of stamps, and in that particular, would be a radical departure from our usual custom. We have levied certain charges against the banks to cover the cost of this supervision, and the same principle is used to sustain the agricultural department. In fact, this method of making

supervision self-sustaining has become a fixed practice, and applies to practically every species of industry where supervision is required, with the exception of mining. We should have the most approved mining laws and strict supervision and enforcement of same. This is now costing the State a considerable sum annually, and I can see no good reason for making an exception to the general practice, in this particular line of industry. The special tax should not be greater in the aggregate amount, than is necessary to pay the expense of the supervision. This would be a light charge upon the output of the mines and it appears to me a just exaction.

We also have fallen into the habit of exempting certain lines of industries from taxation for stated periods. This discrimination in taxation was instituted for the purpose of encouraging the investment of capital in favored industries but, I doubt if it has ever been the means of inducing the investment of any capital whatever, within the State. All property should be required to pay its just share of the burdens of government and to recognize a contrary principle is simply to invite practices in the effort to secure favorable legislation, that are insidious in their nature and tendencies.

The back tax commissioner has served his usefulness. Like all fee systems, it will at times be abused. With the elimination of this office, we must revise our methods and change the relation of the county assessor by effecting a complete coordination between his office and that of the State tax commission. We can never have a fair and proper equalization of values unless we place the whole assessment machinery under the control and supervision of one board. The State tax commission should be the head, with the county assessors as deputies, working in co-operation and to the same end.

In addition to his other duties the county assessor should be required to make up a list of every individual, or corporation subject to a license or privilege tax, with the amount due in each case, and for what purpose, and deliver the same to the tax collector, who should be required to collect all licenses as other taxes. A duplicate of the list given to the collector should be transmitted to the auditor. This would provide for the collection of the automobile, and other license taxes, that are at present collected through various fee officers. The tax collector should also be required to make daily settlements with the auditor and treasurer. The idea is, you have provided for a line of officers to perform a particular branch of service, then why scatter this work by placing a part of it with other officers whose main duties are of an entirely different nature and with

different purposes in view. There should be a fitness of things to secure the highest efficiency.

FEE SYSTEM.

This is one of the systems that has been handed down to us from the time of the formation of our government. It was intended as an incentive to official action. The districts were then thinly populated, and the State and counties could not afford to attach sufficient salary to every position to make it inviting for those who were competent to fill the office. Conditions have changed and, to a great extent, we have outgrown the necessities for continuing this method of enforcing our laws and collecting our revenues.

From the great number of arrests that are made, with the large percentage of dismissals without trials and failures to convict, it would seem that the fee system is used not only to the embarrassment of those who become unjustly meshed within its folds, but also to the detriment of the State in general. The practice of instituting frivolous prosecutions in misdemeanor cases, is a growing evil, and a menace to labor conditions both at the industrial centers and in the rural sections of the State. It may be that many of these practices can be abolished without the discontinuance of the system, as applied to some sections of the State, but there are some offices in which it should be discontinued altogether, especially where used as a reward for official action. I commend this to your careful investigation and consideration.

COUNTY AND MUNICIPAL GOVERNMENT.

Our county and municipal governments suffer from the same ills that afflict the State government. Those who are chosen to legislate, are voted for by an electorate of only a portion of those whom they are expected to serve. This seems to contract the views of the elected officer, because he feels himself under obligations to his immediate supporters. In matters relating to improvements or appropriations, he will often permit the rivalry of such local interest, to obscure his broader outlook for the welfare of the entire unit.

I am sure the electorate of municipal politics needs purification. A vote that could not be assailed for venality, and self-seeking would greatly aid the character of municipal government, and it would purify it and place it on a higher plane.

The theory is maintained that State legislators, boards of revenue and councilmen represent the particular interest of the

respective units that elect them. That the officers therefore because of the servant of such smaller interest must subserve its interest to the exclusion of the larger unit. If this be the true principle, representative government would be an absurdity. To overcome this defect in representative government and make it practicable and sensible, it becomes necessary to concentrate the authority and fix responsibilities for official action. j

The last Legislature created a general law for a commission form of government, applicable to municipalities, though its adoption by the towns has by no means become general. Our municipal code should be amended so as to require the electorate of the entire towns and cities to elect the councilmen from each ward. The mayor should be required to make up and present a budget in writing to the council. This budget should specify all contracts involving the expenditure of money, or appropriations for any purpose. The authority of the council should be restricted to the adopting, the reducing, or the disapproval of such recommendations. This will place in the hands of the executive officer of the cities and towns the absolute control of the finances, with the council acting only as a balance wheel. The mayor then will be responsible for the financial condition of his town and a greater efficiency in administration, greater economy and greater purity in politics will be the result.

No change has been attempted in the form of our county governments and the present system has been handed down to us from colonial days.

The county permeates our political, legislative and administrative machinery. It is the unit of law enforcement, for all legislation and party political organization. It has been slow in taking up any of the reforms applied to other divisions of government. No models have been presented, and it is difficult to improve with no examples to copy. Yet, the financial condition of many of the counties of the State and of their affairs in general would indicate a change should be made. If concentration of authority and responsibility bring better results in the administration of the affairs of our towns and cities, why will it not produce similar results for counties. County commissioners should be elected from their respective districts as required at present, but by the county at large. In this way you will secure familiarity with local conditions existing in the various sections of the counties, and will more nearly obtain action by them in behalf of the interest of the whole county as a unit. There should also be a fixed limit to the amount received in the way of salaries, during any one year.

The judge of probate should be the executive officer of the county with the capacity of chairman of the board of commissioners, with the assistance and co-ordination with the other officers of the county. He should be paid by the county a fixed salary, and the fees of his office should be turned into the county treasury. He should be required to present to the commissioners in writing every contract involving the expenditure of money and other appropriations, and the authority of the board of commissioners should be limited in the same manner as that suggested for councilmen of cities. Under our present system no one is accountable for the financial condition of the counties, and their indebtedness is limited only by their ability to procure loans. The system of accounting should be uniform and all stationery used by its officers should be of a certain prescribed form, purchased from such dealers as may be designated by the State auditor, after prices have been determined through competitive bids, arranged and agreed upon by the proper board. These changes would result in material benefit, both to the State and counties, in various ways.

It would be of benefit to enact some legislation making it imperative upon any bonded officer to be bonded by an approved surety company, instead of permitting bonds by private parties. There should be an economy enforced by abolishing unnecessary petty courts as well as unnecessary officials. The county commissioners should be authorized to fix the salaries of the county treasurers, but with maximum limitation.

EDUCATIONAL.

This is the greatest and one of the most important departments of the State government, and the one on which your most skilled constructors should be engaged. The appropriations by the State to the cause of education have increased rapidly, in fact, they have more than kept pace with the general expense.

If, however, the State should continue indefinitely the method which has been in vogue, that of creating new schools and establishing parts of new systems, without separate and distinct control, and the appropriations to them independent of any well defined system, we will awaken some day, to the fact, that the State has more of a political system for training the children, than an educational system. It would be on the basis of self-interest and self-advancement which is the most persistent and insidious of all politics. Your investigation into this department should be with the view of eliminating such dangers and bringing about a complete co-ordination of the schools of the system with appropriations relatively fixed.

The amount expended during 1914 by the State for educational purposes was \$3,344,131.20. This was more than one-half the total revenue of the State for that year. Yet the demand is always for more funds, under the plea that Alabama stands near the bottom of all the States, in the scale of illiteracy. Some one must be at fault. Perhaps it may be in our system, or the lack of system. The amount expended by the State, for educational purposes during the year of 1906, was \$1,113,989.26, or less than one-third of that paid in 1914. The total revenues collected by the State in 1906, were \$3,776,546.94, while in 1914 they were \$6,607,001.12.

These comparisons are made simply as a matter of information to show the ratio of growth in appropriations for educational purposes.

The total amount contributed to the educational system of the State for 1914, was \$4,475,059.00. Of this amount \$531,937.00 was appropriated by the cities, and by the counties \$559,991.00 through their local one-mill tax, and by the State \$3,344,131.20. In addition to the above, private and denominational schools enrolled 17,820 pupils in 1914, the expense, of which we have no record, but should be added to the above, to ascertain the total amount paid for the cause of education in 1914.

There are in Alabama 432,551 white children of school age and 342,475 negro children. The enrollment of the former in the public schools was 74% and of the latter 43% of the total number. This was an increase in the enrollment of each over the previous year of 9%, while the enrollment to private schools increased during the same period 13%. More than one-half of the enrollment to the white private schools were in the elementary grades. Our school term for 1914 was 135 days, an increase of two days over 1913.

COMMON SCHOOLS.

In discussing our educational system, to determine what improvement can be made, we should first agree upon what is to be the purpose in educating the children of the State at the public expense. I believe you will join me in the opinion that our prime object, should be, to enable the child to maintain itself honestly, and to add to the wealth of the world. The State should not be satisfied with any system that does not accomplish this end. This must come through the common schools, if at all, as only a small per cent of the children of the State attend any other institutions. Of the money devoted by the

State to education in 1914 \$2,273,436.47 was for the common schools and in addition thereto \$112,000.00 was paid for the maintenance of the normal schools of the State, which was a part of the common school system.

Competent teachers are the first requisite towards obtaining satisfactory instruction. There are 10,038 teachers in our public schools, 7,522 white and 2,516 negroes. Of the white teachers 1,930 held life and first grade certificates, and 2,468 second grade and 2,578 third grade. The negro teachers grade as follows: Life and first grade 146, second grade 510 and third grade 1,754. This indicates that our teaching force on an average is deficient in education and training.

For the purpose of training teachers the State has established six white normal training schools and one for negro teachers, besides contributing to two other normal schools for negroes. The total enrollment in the white normal schools for the past two years, has been 4,417, an average of 2,208 annually. Of this total number attending during the two years only 256 received the full course. There was an enrollment of 3,317 in the negro normal schools for 1914, and of them 248 received the full course. This indicates that either a small percentage of those attending the normal schools intend to adopt teaching as a profession, or they are content with slight preparation. As to the training these students receive from such a short attendance, I suppose the course of study will disclose. It is evident, however, to my mind, considering the grading of the teachers of our elementary schools, and from the small proportion receiving the full course in the normal schools, that these schools are not fulfilling their mission. The reason for this should be sought by you.

The trouble may have been largely with the law making power. Each Legislature creates an additional normal school with a small stipend, insufficient to properly conduct a high school, and the following session slightly increases the appropriation, provided the school can show a good enrollment. As a result, they are filled with students doing high school work instead of devoting their energies to teacher training, and the real purpose of the creation and maintenance of normal schools, to a large extent, is ignored. There has been more normal schools created than the State can support decently. The number should be reduced and those retained should receive such support from the State as their demands require and conditions will justify. There has been too great an indifference on the part of the law makers as to the results obtained from these institutions. The system is the correct one and in my

opinion, should be retained as a part of the common school system.

For years the cry has been for better supervision of the public schools. If we had thoroughly equipped teachers this would not be so important, but it will always be advisable. Under present conditions, every educator, and those charged with the supervision of the school system, will tell you that this is the greatest need of the elementary schools. Instead, however, of working to obtain this much needed reform, it is being continuously pushed further away. Regardless of the competency of county superintendents, it would be impracticable for them to undertake to give proper supervision, with the present number of schools, in their respective counties. There are 4,727 rural schools for whites and 2,026 schools for negroes. The first question then for us to consider it seems, is one of consolidation and concentration. Our thoughts should be devoted towards bringing this about gradually, and in such a way as to prevent friction. The aid to school buildings, as distributed at present, is erecting a barrier to what is claimed to be a necessary requisite to an efficient school system. The application of this appropriation can be changed, so as to aid in bringing about the results so much desired. Such appropriations as may be made from the general fund should also be used as an incentive to the same end. I am simply calling your attention to some of the inconsistencies of our educational system, that you may know how deep you must dig in relaying the foundation, before you can give thought to the superstructure. This foundation needs the work, and there is where your best talent should be devoted. Alabama is devoting a larger per cent of her gross revenue to education, than any other State, and has reached the limit for a time. Only 24% of the school fund is supplied by the localities, and the State pays 76%. There should be at least an equal distribution of the expense between the State and the units served.

High schools were created by the Legislature in 1907, and the appropriations for their maintenance were increased during the session of 1911. High schools are a valuable adjunct to an educational system, but are always considered local institutions, and the districts in which they are located should have been required to pay one-half the cost of maintenance. They are intended to be in the reach of those that they are expected to serve, and their enrollment will show this number to be very limited. Their establishment was premature, but we have them, and they should be continued as part of the system in such way that they may produce the greatest possible benefit to the cause of education. The locations for these schools were naturally

fixed in towns or villages, where children were thickly congregated and where systems probably extending to the 10th, or 12th grades were already in existence. The effect has been, in many instances, to weaken the elementary schools that exist in their respective localities, by lessening their supervision and decreasing the course of instruction. It appears to me that their usefulness would be increased, by consolidating them with the elementary schools of the same localities, and placing them under a common supervision. I am sure, it would be to the advantage of those whom they serve. In counties in which no high school has been located, if there be such, I would suggest that the present system, of establishing the high schools, be suspended, and in their stead, the amount of the appropriation made to each county, be used to develop consolidated schools, and to extend the curriculum of such schools to ten grades. Here is the opportunity and place for the department to test the virtues of consolidation.

AGRICULTURAL AND MECHANICAL COLLEGES AND DISTRICT AGRICULTURAL SCHOOLS.

If you have observed closely, you have discovered that the trend of my thoughts in outlining a system for the State's affairs, is an arrangement according to the fitness of things.

The natural resources of Alabama are unlimited, and we have made rapid strides in increasing our wealth. Unto whom much has been given, of him much shall be required. Our responsibilities are as great as our resources, and to discharge these duties commensurate with the demands upon us, calls for the development of the youthful mind into one of the self-reliance and independence, with a devotion to the highest principles of life. Some of these schools are doing good individual work, while others are merely existing, but the usefulness of the better one can be greatly increased by a coordination with the common-school system of the State. If this cannot be brought about satisfactorily to you, then you should pursue a different line of action. Make a common cause between all the institutions of learning, and create in each of them a desire to accomplish the particular purposes for which they were established as a component unit in a greater system.

MONTEVALLO SCHOOL.

The school for training girls at Montevallo has a place of its own, near the heart of every Alabamian. It was designated

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to prepare young women to make their own way in the world, and is doing a splendid work.

THE UNIVERSITY.

We have great pride in our University. It has been growing at a rapid rate, and its influence is shown in manifold ways in every section of the State. It is the duty of the State to maintain this great institution on a liberal scale, that facilities may be afforded to those who desire and seek advantages.

You should enquire into and ascertain the manner of disposal and the results obtained from the increased appropriations for maintenance which have been made during the past several years, to the various educational institutions. The State has been liberal towards its higher institutions of learning beyond its ability to maintain, and for the time being, they should be permitted to fully assimilate what has been extended to them that there be no waste.

JUDICIARY.

The judiciary system is costing the State \$259,447.28, representing an increase of \$146,131.54 in eight years, or more than 135%, and yet we seem no nearer the solution of our trouble with the courts than before the increase in expense was incurred. The right spot has evidently not been touched.

The bar is responsible for the administration of the law, but they have been slow to agree on any measure of reform. It has been a subject of frequent discussion among the members of the bar, but the only results reached, are the expressions of its individual members.

Many courts have been created with the officers incident to their existence under the plea that they are needed to prevent undue delay in the administration of justice. The information has been given out, that some branches of the service have cleared their dockets for the first time in many years.

From reading many opinions and decisions rendered by the courts, it would seem that our endeavors have been directed more towards perpetuating a system to avoid justice, rather than to see it prevail. This prolongs hearings and encourages litigation. If our legal procedure was changed, so that the merits of each case, rather than some technicality, engaged the skill of the attorneys it seems to me there would be fewer cases to be heard, and less labor devolving upon the courts.

Every one charged with crime, or having a grievance against another, is entitled to a prompt hearing, but to secure this, it is

not necessary to maintain the numerous courts we have established. Many of them have but little to do, while others are burdened with work. Those of us who are not a part of the system, and have little personal knowledge of the details, are necessarily dependent upon the advice and information to be gained from others. This should not cause us to defer the matter, however, or shrink from our duties, because we all feel sure that reform is needed.

It appears to me that a great injustice accrues from affording litigants in matters of nominal value, appeals beyond the circuit court. The increase in the expense of the judicial department, is spread from the highest to the lowest courts, and your attention is directed to the system as a whole. Since those who are accountable for the administration of the law, having failed to point the way, it is our duty to take the matter in hand, and institute such reforms in our methods of procedure, as well as in the organization of the courts, gathering our information from those who are well informed, as will justify decisive action. We should not hesitate or delay in bringing to the people the relief demanded. It would not be wise to rely upon the repeal of any particular courts. That would possibly bring relief in some instances, while in others the burden might be increased. Your action should contemplate the forming of a well rounded and equally proportioned system. To do this your action should contemplate a revision of the judiciary system as a whole, including every county and city court.

AGRICULTURE.

No interest that we have, directly affects so large a number of our citizens as agriculture. It is not only those who are engaged in this particular occupation, who feel the pulsating influence of the harvest, but those in every avocation and walk in life within our boundaries. There has been a great advance in our methods during the past few years, but there is still much greater room for advancement.

The national government is doing a good work in developing the intensive system of farming, and disseminating valuable information regarding improved methods of agriculture, in all its branches.

The State, however, has been rather backward in the movement and has given little aid that tends to the increase in the productive power of the soil. It is true we have our agricultural department, but under the compelling influence of the times, it has been looked upon as being of greater value on ac-

count of the large revenue it produces, than for its direct benefit to those engaged in agriculture. The receipts of this department for 1914, were \$193,692.14. This is the largest amount collected by it during its history. Present conditions would indicate that the revenues of this department for 1915 will likely be reduced one-half. This revenue is derived from a tax of thirty cents per ton on fertilizers, every dollar of which should be returned to the source from which it is derived, in teaching better methods, securing improved varieties of farm products, in locating the best markets, and in many other ways that would result to the direct benefit of those paying the tax. To use this money otherwise, makes class taxation, and has no place in our government with its declaration of equal benefits and advantages.

It seems to me that much of these funds have been wasted in the past. Being an indirect tax it is easily collected and the department has been the omnibus to care for appropriations that the Legislature would not pay from the general fund. Let us not be satisfied with a department because it may have reached efficiency along other lines that are foreign to the purpose for which it was instituted, but insist that perfection can only be attained by each department maintaining the highest efficiency in its own sphere of the government.

CONVICT SYSTEM.

The question of handling our annual army of convicts is a complex one. We are here dealing with human units that occupy a place distinct in our social structure.

There are almost as many different theories to deal with the convict problem as there are varieties of crime. But in the practical handling of a large number of human beings, however kindly disposed and philanthropic we may endeavor to be, we cannot pay heed to impracticable, or visionary plans.

It is not so long since, when State convicts were all confined within walls constructed for that purpose at one point. Here they were employed on adjacent farms, or assigned to such work as could be provided for them. The expense of the up-keep, however, exceeded the revenue derived from the labor, and the whole convict system of the period, developed into a serious drain upon the finances of the State.

From this system there has gradually been evolved the present system, which is a combination of contract work with the old and original system. It has proven to be a great improvement, both in the care of the convicts and in its financial re-

sults. The State employs a large number on its farms and in its cotton mills at Speigner, and though the farms have never proven to be profitable, it is well that a certain number of convicts should be continued at this work.

The average number of convicts in 1914 was 2,500, with an average manitenance cost for each of \$338.36, per annum, or \$28.19 per month. The receipts from the convict department for the past fiscal year were \$1,162,493.18, the largest in the history of the department, while the expenses were \$845,909.75, leaving a net revenue to the State of \$316,583.43. This has been quite an item towards supplying funds to the ever increasing demand from appropriations. As with the State, so it is with the individual. Whenever success crowns your efforts with a balance on the right side of the ledger, it requires almost as much effort to protect the outcome of your success from the insistent demand of the public, as was required in its creation.

The propaganda has been spread that the State's exploiting its convicts for the purpose of profit, and in the heat of discussion, it has been charged that the result of the management was blood money, drawn from the toil of suffering and hopeless humanity. It has been demanded that our convicts should be employed in the construction of our highways by which the State would be benefited and the condition of the convict improved. It has also been demanded that the convicts should not be employed in any branch that would place them in competition with free labor, and that also is used as an argument that the proper employment of convicts is road building. I fully believe that it should not be the sole purpose of the State to employ its convicts for profit. But the practical side of administering the convict system must not be lost sight of. To be sure the safety and physical comforts of the prisoner must be provided for. Sanitary laws must be observed, and the future of the convict after he leaves his prison, due regard must be paid. But if we are to apply humanitarian principles to criminals, the same principles must be applied to law abiding society at large against whom the criminal has offended. The criminal has been consigned to the care of the State to serve in punishment of violation of its laws. Thus a part of the expiation of his crime, is the labor and the servitude that is demanded of him, in such manner as will inculcate steady and industrious habits, at the same time, while the servitude is brought home to the law-breaker as his due reward. This must be accomplished within the best ability of the administration, without producing the least drain upon the finances of the State, for the protection and maintenance of its institutions. This can best be

done, where conditions are such that the expense for guards will not be excessive.

To prevent our convicts from competing with free labor, is a difficult proposition. They will strike at free labor no matter in what they may engage. It is claimed that certain road work may not be done unless it is performed by convicts, but that holds good with other branches of labor as well.

In performing contract work, the unit price should not be so low as to depress the wage scale of free labor. If any of the counties should desire the convicts for road work, they can be accommodated on liberal terms under State supervision. It is a fact, however, that but few counties work their own convicts on public roads.

While we are grappling with a problem difficult of solution, we must cherish and aim at an ideal that finally may accomplish our hopes. An ideal convict system, worthy to strive for, would be one that makes every provision for the physical welfare of the unfortunate convict. There he should be secluded from the outside world and provided with employment sufficiently remunerative, to pay all the expense incident to his sentence and servitude, and yet leave sufficient as an aid fund for the relief of his dependents and to provide for his maintenance for a reasonable length of time after his release. This would aid him in securing employment, to become self-sustaining with the promise of becoming a better citizen. Let us hope that such conditions be attained and that our endeavors in this department may be crowned with success.

PUBLIC ROADS.

More than 85% of our internal traffic must be conveyed at some stage of its distribution over our wagon roads. Nothing can be said that will give greater emphasis to the importance of improving our public roads.

Every phase of our social and business life is so closely allied with the progress of road construction, that we can no longer treat with indifference the condition of our thoroughfares.

The Legislature of 1911 created a highway commission, and made an appropriation of \$134,000.00 per annum to be distributed equally among the 67 counties of the State, on condition that the counties appropriate a like amount. This has proven a great incentive to road building. Scarcely a county in the State that has not availed itself of this opportunity to improve its highways. The result of this work can be seen in every sec-

tion of the State, in the general improvement of the farms adjoining these improved highways.

The maintenance of many of the roads which have been constructed at considerable cost, are seriously neglected. No road can be permanent, unless it has constant care, and the system must be applicable to the particular materials of which it is constructed, and the topography of the country through which it extends. Provision should be made for their preservation in as good condition as when completed, or there should be less expended on the original work. Unless we make provision for the care of the roads, we may awake to find ourselves with thousands of miles of improved roadways, and no funds for their maintenance. Maintenance should mean an improved condition with each year, or else we are losing part of the original investment. By the adoption of a proper system for maintenance, the poorer dirt-road, in the course of time, can be converted into one of splendid condition. Entertaining this view, I would recommend that the State suspend construction and work out a system of maintenance and ascertain the cost, and that such appropriation as may be made for the next four years, except possibly for the maintenance of the department, be confined to the amount received from the automobile license tax, and that it be used exclusively for maintenance.

INSURANCE DEPARTMENT.

There are other things that we should expect from this department besides the collection of revenues. The office to which this department has been consigned, was created for duties entirely foreign from those we expect from an insurance commissioner, and it is impossible to obtain from this dual position, the results secured elsewhere. There was nothing to be saved from such an arrangement and much to be lost in efficiency. Our insurance laws are not what they should be. Those who pay the premium for insurance, pay the license taxes, and there should be some legislation and machinery through which resulting benefits may accrue to them in return.

LEGAL DEPARTMENT.

The legal department of the State is looked after by the attorney general and two assistants. In addition to the natural increase in the expense of this department by the addition of two assistants, there has been paid out of the treasury large sums annually for the hire of attorneys.

If the present arrangement does not secure suitable talent to represent the State in important cases, we should change to some other method.

There is no profession in which special training shows to a better advantage than in the practice of the law. The State is entitled to the best in everything. Instead of two assistants, if we had only one, designated as States counsel and whose engagement was dependent upon good behavior, we then could have an attorney trained in the service and ready to represent the State on any occasion. To secure the best talent, this should be one of the main purposes sought, the salary would have to be commensurate, but it would not be necessary for it to approach the sum paid out by the State during any one of the past eight years.

PUBLIC UTILITIES.

Our laws are ample for the supervision and control of the railroads. But as all public utilities are of necessity monopolistic, there must be some restraining agency to protect the public against the possibility of oppression and extortion. If this regulation is to be of practical service, however, it must be just to the public utility company as well, for it should not in its terms become tyrannical so that it would destroy and strangle private enterprise. There are some who harbor extreme views and they desire that regulation should be carried to the full extent of the limit, regardless that such policy would make it impossible to procure private capital and to enlist enterprise for construction, the operation and the maintenance of public utilities.

In order that a proper solution of the problem be accomplished, it is necessary to confer upon regulating authority the power to prevent such abuses as utility companies are apt to practice, when left to absolute freedom. There is a vast field open for development of our State which needs must remain dormant, without the necessary capital. The welfare of the public and the successful regulation of any law depends altogether upon the ability and the discretion of the commission in charge of the duties to administer the law. The most liberal laws can be made oppressive so as to arrest development of our resources and produce utter stagnation. Thus greater evils may be brought to trouble us than any that could have existed under a system without control. The framers of the law cannot provide against such contingencies and must rely on the good sense of the public in selecting men of experience in af-

fairs, of good judgment and high character for the administration of such laws as are enacted.

The additional duties created by such legislation should be placed on the railroad commission. Within this legislation, there should be included the authority to control the stock and bond issues of utility corporations. Such regulations would be of two-fold value. It would confer protection to the investing public against excessive and worthless issues in one instance, and in the other, it would be reflected finally in better equipments, better accommodations and in moderate rates for service charged. It is my belief, that it will be good for the State, and it will bring about the more rapid development of its resources, if all proposed issues of stocks and securities of corporations within the State of whatever nature, be required to submit their plans to some commission for its approval, before they are authorized to issue such securities. Nor should the stock of corporations formed in other States, be permitted to be offered for sale within the State, until it has been approved by the State commission.

The purpose is not to restrict too much the issuance of securities of merit, but to protect the public from worthless stocks and at the same time to protect the corporations from themselves. One disastrous scheme with its stocks in possession among a wide circle of people throughout the State, can do more to prevent the promotion of worthy enterprises, than the success of five good institutions. Instead of directing capital of our small investors to foreign securities, we should aim to present an inviting field for investment to our own people, within the borders of our own State.

INDUSTRY, LABOR AND CAPITAL.

That government is best which promotes the welfare and happiness of its people. It is therefore necessary that those interested with the government should be familiar with every walk of human life. Without such knowledge, it would be difficult to attempt to reconcile the differing interest by which we must undertake to place the State in the front rank of commercial activity.

Society is composed of elements of which each have its own cares and interest. Each of these elements have its claims which often conflict with those of others, and yet the composition of society is such that one element depends upon the other. Within society there are therefore conflicting aims and when legislation is called in to enforce its arbitrament, it is difficult

to say whether it will provide success on one side or contentment on the other. Questions that involve the welfare of society cannot be solved offhand. They have to be approached with care and weighed at the time, until we have attained that condition where differences will be minimized and all friction adjusted by impartial bodies.

The present system of dealing with those injured in pursuit of their daily labors is not only wasteful and uncertain, but productive of antagonism between the workman and employer. An equitable compensation law would not only bring about improved relations between employer and employee, but would promote the safety of the workman. But of greater importance than compensation, is really the accomplishment of safety to the workmen. If this aim is kept in view, such conditions as are liable to produce injury will pass away and experts will be employed to minimize danger, by the introduction of safety appliances and preventives of accidents. The safety of the employees should form a part of the fixed charges on the product of industry, whereby the cost is divided between the employer, the employee and the consumer, and so minimized that it practically does not make itself felt.

Perhaps with the industrial advancement of our State we may be permitted to build the hope of the eventual introduction of compulsory accident insurance in our factories, when the premium is graduated and adjusted between the employer and the employee and added to the cost of the product. The amount paid under our present system by the employer consequent to injuries, no doubt exceeds in the aggregate the claims that would accrue under an equitable compensation act, but of the amount paid, only a small percentage reaches the injured or his dependents.

Our State is rapidly becoming an industrial country and it devolves upon your action whether the courts shall be filled with damage suits, resulting in great economic waste to those engaged in industrial pursuits. I would recommend that you enact an equitable compensation law that the benefits which are to be derived from such legislation may ensue.

Many of our working people from necessity have to resort to the "loan shark" to tide them over a short period before their regular pay day. Instead of continuing legislation against the loan company, it appears to me, the object of such legislation can be more certainly obtained by shortening the regular time in which the pay envelope is given the laborer, to two weeks instead of four.

CHILD LABOR.

The factory inspector who is charged with the duty of enforcing the child labor laws of the State, in his report for 1912, in reference to these laws, says, "The laws pertaining to the employment of children in Alabama are conspicuous by their ambiguity, inefficiency, inexplicitness and inadequacy." We have regulated the railroads and public utility corporations, to protect the public from unreasonable exactions and abuses, and to husband the resources of these enterprises. We have also laws for the protection and perpetuation of our game, and laws to conserve our natural resources, but at the time, we are neglecting those for whose benefit these great properties are supposed to be in waiting. Human conservation should be the first consideration of those charged with making the laws. We may hoard our millions, our factories may supply the great markets of the world with their wares, and our navy may rule the seas, but the trend of our civilization depends upon the policies which the men with such authority as you possess, put into execution, for the uplifting and protection of those upon whom we must depend to maintain and perpetuate our institutions. It is a question that should be dealt with in a way to secure uniformity of legislation by all the States. This cannot be done quickly, but we cannot afford to be indifferent, or inactive. I recommend that you enact such laws on this subject as will place Alabama fully abreast with the most advanced State, exposed to similar influences.

THE CONFEDERATE SOLDIER

It has been half a century since the Confederate soldier, after four years of bitter warfare in defense of principle, turned his face towards that which is dearest on earth, home; there to revive his fortunes, and start anew life's struggles. Many of them were maimed and diseased, and have proven unequal to the tasks. They have not many more years to be with us, and it is the duty of the State to extend its protecting hand, that their declining years may be passed in peace and comfort.

The amount paid for pensions by the State, in 1914, was \$1,013,432.30, which was derived as follows: One mill tax \$575,284.49 and the balance of \$438,147.81 additional appropriation. In addition to the above there was appropriated and used at the soldiers' home located at Mountain Creek \$19,322.58. I would suggest that it be required of the judges of probate, to have the pension warrants delivered direct to the

beneficiaries. The R. F. D. carriers can be constituted notary publics for the purpose of attesting the signatures of the payee, when the warrants are sent by post.

PRIMARY ELECTION LAW

Our primary laws were instituted for the purpose of affording each individual citizen an equal opportunity to designate his choice, in the selection of candidates to represent the political party with which he might be allied.

As to whether this has been accomplished our primary election laws, is a subject of frequent discussion. Primary elections for nominating candidates, has won its way into public favor, and has come to stay. It may have objectionable features, and by degrees, we may be able to eradicate them, but, I confess I see at this time, no satisfactory remedy.

I commend to you a careful study of our primary election law for such action as you may determine will improve the system, but unless some definite remedy appears to you clearly will bring the needed relief, it would be wiser to leave it alone, that longer experience may suggest the proper course to be pursued.

VARIOUS INSTITUTIONS AND DEPARTMENTS.

The eleemosynary institutions of the State should receive your careful consideration. You cannot afford to be parsimonious in their management but you should ascertain facts as to their conduct, and grant what is needed.

The law creating the banking department has had a most wholesome effect in the State, and the condition of our banks and trust companies have greatly improved under the wise provisions of this law, and the enforcement thereof. Many new banks have been organized, deposits have greatly increased and public confidence in State banks much improved. This branch of State government, therefore, has become one of the most important that you will have to consider. Depositors in banks are entitled to be protected to the fullest extent, and the wisdom of the Legislature of 1911 in passing this law, is best evidenced by the fact that few banks have failed and depositors therein have lost but little since the banking department was created.

The fish and game law was intended as one for the conservation of the birds and other game. This law became necessary in this day of improved firearms and the destructive tendencies of man. Instead of being regarded as a department for revenue

it should be required to use its funds to produce and propagate more game.

The authority given the department of jail and factory inspector is to oliberal. The State has virtually lost all control and has subjected itself to unlimited demands for maintenance. There is no greater reason why this condition should continue with this department than there would be to apply the same principle generally, and make them applicable to every department of the State government. This same principle in the operation of our health department to a certain extent, extends to the counties and burdens are frequently created with no corresponding benefits. The paymaster should be permitted to exercise some restraining hand, to prevent the dissipation of the funds and to secure a full measure of service in return for the expense.

It is your duty and privilege to scrutinize every department of the State, that you may act with intelligence in putting into effect the economies demanded by the people. There are some departments that stand out prominently as being of doubtful benefit and such should be discontinued.

Of these I will mention the cotton statistician. This work if performed, would be a duplication of that done by the national government, and could be of no value to us.

There is some demand for the retention of the immigration bureau under the claim that this will be an opportune time to secure desirable immigrants. This department to be of value would require a much larger amount for its disposal than it commands at present, but as the State cannot at this time devote a greater sum to this cause, it would be advisable to withdraw from it the support heretofore given.

There are many other questions affecting the State's welfare that should be discussed, but as this privilege extends to the executive throughout your session, I will reserve the right for future occasions.

In conclusion let us offer up our spirit in the service of the State. Let us pledge our steadfast desire to help and serve the people of our great State. I would like to help and serve the people of our great State. I would like to share our responsibilities with all the people of Alabama, and therefore invite their co-operation, their voice, their help, and their advice, to give the State the service for which we have solemnly dedicated our time and our abilities.

CHAS. HENDERSON,
Governor:

GENERAL LAWS

(H. 5.)

AN ACT

To promote temperance and suppress the evils of intemperance; to discourage the use and consumption of alcohol, alcoholic, spirituous, vinous, malt, brewed and fermented liquors and other liquors, liquids, bitters and beverages defined and set forth in the act, and substitutes or devices therefor; and to prohibit the manufacture, sale, offering for sale, keeping or having in possession for sale, barter, exchange, giving away, furnishing or otherwise disposing of the said liquors, liquids and beverages, (except the sale of alcohol in certain defined cases and upon certain defined conditions; and except the sale of wine for sacramental purposes), the carrying on of the business of a brewer, distiller, rectifier of spirits, or retail or wholesale dealer in liquors or retail or wholesale dealer in malt liquors, and the keeping or maintaining of unlawful drinking places, which are declared to be common nuisances and are to be abated as such.

Be it enacted by the Legislature of Alabama:

Section 1. That the term "prohibited liquors and beverages" shall include and be deemed to embrace the following: (1) alcohol, alcoholic liquors, spirituous liquors, and all mixed liquors any part of which is spirituous; foreign or domestic spirits or rectified or distilled spirits, absinthe, whiskey, brandy, rum and gin; (2) vinous liquors and beverages; (3) malt, fermented or brewed liquors of any name or description manufactured from malt wholly or in part, or from any substitute therefor; beer, lager beer; porter and ale; and other brewed or fermented liquors and beverages by whatever name called; hop-jack, hop-ale, hop-weiss, hop-tea, malt tonic or any other beverage which is the production of maltose or glucose, or in which maltose or glucose is a substantial ingredient; (4) any other drinks, liquors or beverages containing one-half of one per cent of alcohol or more by volume at sixty degrees Fahrenheit; or any other liquors or liquids, manufactured or sold, or otherwise disposed of for beverage purposes containing said amount of one-half of one per cent of alcohol or more; (5) any intoxicating bitters or beverages by whatever name called; but nothing in this act contained shall be construed to prohibit the making of wine from grapes, or cordials or other fruit, grown and raised by the person making the same for his own domestic use.

Sec. 2. That the term "retail dealer in liquors" shall mean and be deemed to designate every person, firm, association or

corporation that sells, or offers for sale, any foreign or domestic distilled spirits or wines in less quantities than five gallons at the same time; and the term "wholesale dealer in liquors" shall mean and be deemed to designate every person, firm, association or corporation that sells, or offers for sale, foreign or domestic distilled spirits or wine in quantities of not less than five gallons at the same time; and the term "retail dealer in malt liquors" shall mean and be deemed to designate every person, firm, association or corporation that sells, or offers for sale, malt liquors in less quantities than five gallons at one time; and the term "wholesale dealer in malt liquors" shall mean and be deemed to designate every person, firm, corporation or association who sells, or offers for sale, malt liquors in quantities of not less than five gallons at the same time; and the term "brewer" shall mean and be held to designate every person, firm, association or corporation that manufactures fermented liquors of any name or description from malt wholly or in part, or from any substitute therefor; and the term "distiller" shall mean and be held to include every person, association or corporation that produces distilled spirits, or who brews or makes mash, wort, or wash fit for distillation, or for the production of spirits or who by any process of evaporation separates alcoholic spirits from any fermented substance, or who, making or keeping mash, wort, or wash, has also in possession or use a still.

Sec. 3. That it shall be unlawful for any person, firm, or corporation or association within this State to manufacture, sell, offer for sale, keep or have in possession for sale, barter, exchange, give away, furnish at a public place or elsewhere, or otherwise dispose of the prohibited liquors and beverages described in section 1 of this act, or any of them, in any quantity, except as hereinafter provided; but this inhibition does not include, and nothing in this act shall affect the social serving of such liquors or beverages in private residences in ordinary social intercourse. Any violation of this section of this act shall be a misdemeanor punishable by a fine of not less than fifty nor more than five hundred dollars, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or confinement at hard labor for the county for not more than six months for the first conviction; and on the second and every subsequent conviction of a violation of this section the offense shall, in addition to a fine within the limits above named, be punishable by confinement at hard labor for the county for not less than three nor more than six months, to be imposed by the court or judge trying the case.

Sec 4. That it shall be unlawful within this State to carry on the business of a brewer, distiller, rectifier of spirits, or retail or wholesale dealer in liquors, or retail or wholesale dealer in malt liquors; and any violation of this section, whether a first or a subsequent offense, shall be punishable as prescribed in section 3 for violations of that section. The carrying on business as such brewer, distiller or rectifier of spirits, or retail or wholesale dealer in liquors, or retail or wholesale dealer in malt liquors, shall for each separate day that it is carried on constitute a separate offense, to be punished as prescribed herein.

Sec. 5. That it shall be unlawful for any person, firm, association or corporation, directly or indirectly to keep or maintain, or in any manner to aid or abet in keeping or maintaining, any of the following places, which are hereby declared to be unlawful drinking places; (1) any place or resort where the prohibited liquors or beverages or any of them are kept to be drunk upon or about the premises by persons resorting there for that purpose; (2) any club room or other place in which are received or kept for the purpose of barter or sale, or use, or gift as a beverage, or for distribution or division among or furnishing to or for use by members of any club or association of persons by any means whatever the prohibited liquors and beverages, or any of them, referred to in section 1 of this act; (3) any club room or room of any association of persons in which said prohibited liquors or beverages, or any of them, are kept or stored for the purpose of being drunk or consumed by the members of such club or other association of persons or their guests or others on the premises, or at or near the place where such liquors or beverages, or any of them, are kept or stored; (4) any place adjacent to or near the premises of any club, corporation or association, or other combination of persons to which members or their guests or others, by the permission of members, resort for the purpose of drinking the prohibited liquors and beverages, or any of them, that are kept at or near such place. Any of the places herein designated if kept or maintained shall be and constitute an unlawful drinking place, and the act of keeping or maintaining any such room or place shall be deemed a separate offense for each day that it continues; and any violation of this section, whether a first or subsequent offense, shall be punishable as prescribed by section 3 for violations of that section. Any place or room kept or maintained in violation of the provisions of this section shall be deemed to be a common nuisance and may be abated by writ of injunction issued out of a court of equity upon a bill filed in the

name of the State by the State attorney general, or any solicitor or prosecuting attorney whose duties require him to prosecute criminal causes on behalf of the State, in the county wherein the nuisance is maintained, or by any citizen or citizens of such county, such bill to be filed in the county in which the nuisance exists. And all rules of evidence and the practice and procedure that pertain to courts of equity generally in this State may be invoked and applied in any injunction procedure hereunder. Any chartered club or incorporated association or persons under the laws of Alabama that is guilty of violating any of the provisions of this section of this act, or maintains or keeps any such place as is hereinabove described, shall forfeit its charter, and such forfeiture may be declared by a proceeding in quo warranto against the club or incorporated association in a court of competent jurisdiction in the county where the unlawful act is committed.

Sec. 6. That wholesale druggists may sell in wholesale quantities to retail druggists and to public or charitable hospitals or to medical or pharmaceutical colleges, pure alcohol for medicinal purposes only, or grain alcohol to be used by chemists or bacteriologists actually engaged in scientific work, and for such purposes only, and such wholesale druggists shall at the end of each month in which any such sales have been made, file with the probate judge of the county in which they do business, a statement in writing giving the name of the purchaser, the price paid, the date of sale and the quantity and character of the alcohol sold.

Sec. 7. That any retail druggist in this State who is himself a registered or licensed pharmacist, or who regularly employs a registered or licensed pharmacist, may sell in the manner herein set out, pure alcohol for medicinal purposes only; grain alcohol to chemists and bacteriologists actually engaged in scientific work and for such purposes only, and wine to be used for sacramental or religious purposes only; provided that nothing herein contained shall prevent such druggist from using alcohol in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States. Provided, that regularly licensed and practicing physicians may purchase grain alcohol or pure alcohol in quantities of not more than one gallon at one time, from wholesale or retail druggists and may use the same in compounding and dispensing remedies in the practice of their profession only.

Sec. 8. That no sale of pure alcohol for medicinal purposes

shall be made except upon the prescription of a regular practicing physician of this State, who before writing such prescription shall make an actual examination of the person for whom the prescription is issued, and said prescription shall be in substantially the following form: State of Alabama, (..... County). I,, a regularly licensed and practicing physician under the laws of said State, do hereby certify that I have examined....., a patient in my charge, and I do hereby prescribe for the use of said patient..... of alcohol, and I further certify that the use of such alcohol is necessary to alleviate or cure the illness or disease from which such patient is suffering. Dated....., M. D.

Sec. 9. No prescription shall be filled hereunder except upon the day upon which it is issued or the following day, and no more than one-half pint of alcohol shall be sold and delivered on any one prescription, and when such prescription is filled it shall not be refilled, but shall be delivered to the druggist filling the same, and at the end of the month in which the same is filled, shall be filed by such druggist in the office of the probate judge of the county. In towns having a population of two thousand or more, no physician's prescription shall be filled at any drug store of which he is the proprietor, or in which said physician has a financial interest, either as partner, stockholder or otherwise.

Sec. 10. The retail druggists may sell in quantities not greater than five gallons, alcohol to be used in the arts or for scientific or mechanical purposes, and such druggist may sell in like quantities grain alcohol to chemists and bacteriologists engaged in scientific work and for such purposes only, and such druggists may sell in quantities not greater than one-half gallon, wine to be used for sacramental or religious purposes only. Any person desiring to purchase alcohol for the purposes set out in this section shall sign a written or printed statement giving his name, residence and occupation, and the purpose for which he intends to use said alcohol, and he shall certify that said alcohol is purchased in good faith for such purpose and no other.

Sec. 11. That it shall be unlawful to sell wine for sacramental purposes, except to a minister, pastor, priest or officer of a regularly organized religious congregation or church, and any person desiring to make such purchase shall sign a written or printed statement giving his name and residence and the name and location of the church for which such wine is purchased, and he shall certify that said wine is purchased in good faith

to be used for sacramental or religious purposes and no other. The statements provided for in this and the next preceding section shall be filed at the end of each month by the druggist making the sale, in the office of the probate judge of the county.

Sec. 12. All statements or prescriptions required by this act to be filed in the office of the probate judge shall be recorded and properly indexed by him in a book kept for that purpose which shall at all times be open for public inspection, and a certified copy of such record, or the original statement or prescription with the certificate of the probate judge endorsed thereon showing that it has been recorded shall be prima facie evidence of the facts recited therein. For making such record the probate judge shall be entitled to charge and collect for each prescription a fee of ten cents, and for all statements other than prescriptions, a fee of twenty-five cents, which shall be paid by the party filing the same.

Sec. 13. That nothing in this act shall prevent the sale of wood or denatured alcohol.

Sec. 14. That any person who violates any provision of this act shall be guilty of a misdemeanor. Any physician who issues any prescription hereunder, containing any false statement, or who sells, barter, exchanges or gives away any alcohol or uses the same, except in compounding and dispensing remedies in the practice of his profession, shall be guilty of a misdemeanor, and shall be debarred from the practice of his profession for one year; any person who shall sell any alcohol or wine in this State for any purpose other than herein allowed, or who shall fail to file in the office of the probate judge prescriptions and statements herein, shall be guilty of a misdemeanor, and any person who shall obtain any alcohol or wine in accordance with this act and convert the same to his use, shall be guilty of a misdemeanor, and any person so offending under any clause of this section, shall, on conviction, be punished by fine of not less than fifty nor more than five hundred dollars; and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months for the first conviction, at the discretion of the court or judge trying the case, and on the second and every subsequent conviction, in addition to the fine which may be imposed, shall be confined at hard labor for the county for not less than three nor more than six months, to be imposed by the court or judge trying the case.

Sec. 15. That if any section or provision of this act shall be held to be void or unconstitutional it shall not affect or destroy the validity or constitutionality of any other section or provis-

ion which is not in and of itself void and unconstitutional; and it is not intended by this act to interfere with the power of congress of the United States to regulate commerce with foreign nations and among the several States, and this act shall be so construed as to avoid conflict with that clause of the constitution of the United States which confers upon the congress the power to regulate commerce with foreign nations and among the several States and with Indian tribes.

Sec. 16. That this act shall be liberally construed so as to accomplish the purpose thereof, which is to promote temperance and reduce and discourage the use and consumption of the said prohibited liquors and beverages described in section 1 of this act, and any device or substitute for any of the prohibited liquors and beverages, including those beverages that are commonly known and called "near beer," such as White Top, Pabst Mead and other similar drinks and beverages, shall be held and deemed to be within the inhibition of this statute.

Sec. 17. That all laws and parts of laws, general, local and special in conflict with the provisions of this act be and they are hereby repealed, and the following two acts are hereby expressly repealed, to-wit: (1) The act approved February 21st, 1911, (known as the Parks Bill) providing for elections to determine whether or not the manufacture and sale of spirituous, vinous or malt liquors should be legalized in counties voting thereon and whether such liquors should be sold by dispensaries or by private dealers, under license; and (2) the act approved April 6, 1911, (known as the Smith Bill) regulating the manufacture, sale and other disposition of spirituous, vinous and malt liquors, where authorized, regulating dispensaries, providing for excise commissioners and the disposition of license taxes, and for other purposes as therein stated: Provided, however, that the repeals herein provided for shall not affect any existing right, remedy, defense, or liability incurred, nor shall it affect any action or prosecution, civil or criminal, already commenced, or which may hereafter be commenced for any offense already committed, or which may be committed prior to the taking effect of this act, nor any action or prosecution to enforce any right or penalty or punishment under any such repealed law; and as to all such cases the laws in force at the time of the enactment and taking effect of this statute shall continue in force.

Sec. 18. That this act shall go into effect at 11 o'clock, P. M., on the 30th day of June, A. D., nineteen hundred and fifteen.

No. 2.)

(H. 6.

AN ACT

To further suppress the evils of intemperance and to secure obedience to and enforcement of, and to prevent the evasion of, the laws of the State for the promotion of temperance and for the prohibition of the manufacture of and traffic in or unlawful disposition of prohibited liquors and beverages; to provide for the abatement of liquor nuisances and the seizure and destruction of forfeited liquors and beverages, and to prescribe the procedure in such cases.

Be it enacted by the Legislature of Alabama:

Section 1. That if any person shall willfully let or suffer any other person, firm or corporation to use any premises which he owns or controls for the illegal sale or manufacture, or other unlawful disposition, of spirituous, vinous or malt liquors, or any other liquors, liquids or beverages prohibited by the laws of Alabama to be manufactured, sold or otherwise disposed of in this State, or for use by a wholesale or retail dealer in liquors, or by a wholesale or retail dealer in malt liquors, or by a rectifier of spirits, or distiller, or for illegal storage or warehousing of such liquors and beverages he shall be guilty of a misdemeanor.

Sec. 2. That the unlawful manufacture, sale, keeping for sale, giving away or otherwise disposing of any prohibited liquors or beverages contrary to the law of the State, or the carrying on the business of a retail or wholesale dealer in liquors, or retail or wholesale dealer in malt liquors, or the business of a brewer, distiller, or rectifier of spirits, shall at the option of the landlord or lessor, work a forfeiture of all the rights of any lessee or tenant under any lease or contract of rent of the premises where such unlawful act is performed, or such unlawful business is conducted by the lessee or tenant, or by any agent, servant, clerk or employee of the lessee or tenant with the latter's knowledge or permission.

Sec. 2½. That the term, prohibited liquors and beverages, or the term, prohibited liquors or beverages, employed in this act shall include and be deemed to embrace the following: (1) alcohol, alcoholic liquors, spirituous liquors, and all mixed liquors any part of which is spirituous; foreign or domestic spirits or rectified or distilled spirits; absinthe, whiskey, brandy, rum and gin; (2) vinous liquors and beverages; (3) malt, fermented or brewed liquors of any name or description manufactured from malt wholly or in part, or from any substitute therefor; beer, lager beer; porter and ale; and other

brewed or fermented liquors and beverages by whatever name called; hop-jack, hop-ale, hop-weiss, hop-tea, malt tonic or any other beverage which is the production of maltose or glucose, or in which maltose or glucose is a substantial ingredient; (4) any other drinks, liquors or beverages containing one-half of one per cent of alcohol or more by volume at sixty degrees Fahrenheit; or any other liquors or liquids, manufactured or sold or otherwise disposed of for beverage purposes containing said amount of one-half of one per cent of alcohol or more; (5) any intoxicating bitters or beverages by whatever name called: including any device or substitute for any of the said prohibited liquors and beverages including those beverages that are known and called near beer, such as White Top, Pabst, Mead, and other similar drinks and beverages; but nothing in this act contained shall be construed to prohibit the making of wine from grapes or other fruit grown and raised by the person making the same for his own domestic use.

Sec. 3. Whereas it is the public policy of the State to discourage the use and consumption of prohibited liquors and beverages, it is hereby made unlawful to advertise upon any street car or railroad car, or at any public place or resort, or upon any bill board, such prohibited liquors and beverages, or any of them, or the person, firm or corporation from whom, or the place where, or the price at which, or the method by which such prohibited liquors or beverages or any of them may be obtained and any person, firm or corporation violating any provision of this section shall be guilty of a misdemeanor; and this section shall be liberally construed so as to prevent the evasion thereof. Any sheriff, constable or police officer is authorized to remove any such advertisement from any bill board or other public place, when it comes under his observation or is brought to his notice and shall do so upon the demand of any citizen. Any such advertisement containing the picture of a brewery, or a distillery or bottles, jugs, kegs, barrels, or boxes, represented as containing whiskey, beer, or other prohibited liquors and beverages shall be within the inhibition of this section.

Sec. 4. That the keeping of liquors or beverages that are prohibited by the law of the State to be manufactured, sold or otherwise disposed of in any building not used exclusively for a dwelling shall be prima facie evidence that they are kept for sale, or with intent to sell the same, contrary to law.

Sec. 5. That the delivery of liquors or beverages prohibited by the law of the State to be manufactured, sold or otherwise disposed of, in or from any store, shop, warehouse, boat or other

vessel or vehicle of any kind, or any shanty or tent, or any building or place used for the purpose of traffic, or any dwelling house or dependency thereof if any part of the same is used as a public eating house, grocery or other place of common resort, shall be deemed prima facie evidence of sale or other unlawful disposition.

Sec. 6. That no sheriff, jailor, police officer, marshal or other person in charge of any jail or lock-up under any pretense whatsoever shall give, sell or deliver to any prisoner therein any spirituous, vinous or malt liquor, or any other liquor or beverage prohibited by the laws of Alabama to be sold, given away or otherwise disposed of, unless a reputable physician certifies in writing that the health of such prisoner or inmate requires it; and in case of such certificate he may be allowed the use of the prescribed quantity of pure alcohol and no more; and any of said officers violating any provision of this section shall be guilty of a misdemeanor.

Sec. 7. That every person who being employed upon any railway or street railway as engineer, conductor, baggage master, brakeman, switch-tender, flagman, motorman or signalman or person having charge of stations or the starting or regulating or running of trains upon any railway or street railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a misdemeanor.

Sec. 8. That every wife, child, parent or other person who shall be injured in person, or property or means of support by any intoxicated person, or in consequence of the intoxication of any person, shall have a right of action against any person who shall be selling, or giving or otherwise disposing of to another contrary to the provisions of law, any liquors or beverages, cause the intoxication of such person, for all damage actually sustained, as well as exemplary damages; upon the death of any party the action, or right of action will survive to or against his executor or administrator. The party injured, or his legal representatives, may bring a joint or separate action against the person intoxicated, or who furnished the liquor; and all such suits shall be by civil action in any court having jurisdiction thereof.

Sec 9. That any person who conceals himself in any house, room, booth, enclosure, or other place and manufactures, sells, gives away, barter, exchanges or otherwise disposes of spirituous, vinous or malt liquors or any other prohibited liquors or beverages or who, by any device or subterfuge sells, gives away

or otherwise disposes of any of said prohibited liquors or beverages in violation or evasion of law, or who, in any house, room, booth, enclosure or other place, in such manner and under such circumstances as that he cannot be seen by persons from the exterior, manufactures, sells, gives away or otherwise disposes of any such prohibited beverages, contrary to law, shall be fined not less than fifty dollars nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not less than three months nor more than six months, at the discretion of the court or judge trying the case.

Sec. 10. That if any person violates a provision of the foregoing section, upon complaint being made on oath before a justice of the peace or judge of the county court, or a judge of any other court, having jurisdiction of misdemeanors, or a recorder of a town or city, that spirituous, vinous or malt liquors, or other beverages, or liquors prohibited by law to be sold, given away or otherwise disposed of in violation of law, and that the person committing such offense comes within the terms of the preceding section, and that such person is known or unknown to the person making the complaint, and that other parties present and participating in the tippling or drinking of liquors at such place are unknown to the person making the complaint, it is the duty of such justice or judge to issue forthwith a warrant of arrest, for such party for the offense charged in the complaint and immediately place such warrant in the hands of a constable or sheriff, or chief of police, or police officer, who shall proceed at once to the place in which such violation of the law is alleged to have occurred, or to be occurring, and arrest all persons therein, and if such person executing the warrant is refused admittance, he shall force an entrance into the house or other place, and if necessary break in the door or other part thereof and arrest all persons found therein and carry them before the officer before whom the warrant is returnable, and thereupon such proceeding shall be had as if the warrant contained the name of each person so arrested, and a complaint may be framed and filed against the person so arrested, charging them all as principals with the offense within the preceding section, and all persons present at such house and place loitering therein, or drinking there, shall, with the keeper, be deemed guilty of the misdemeanor declared in the preceding section, and are punishable as therein declared.

Sec. 11. That any person who is summoned as a witness before the grand jury to answer as to any violation of law for

the suppression of intemperance, or prohibiting the manufacture, sale or other disposition of prohibited liquors or beverages, or the keeping or maintaining any unlawful drinking place, or liquor nuisance, and who fails or refuses to attend and testify in obedience to such summons, without good cause, to be determined by the court, is guilty of contempt and also of a misdemeanor and on conviction of such a misdemeanor must be fined not less than twenty nor more than three hundred dollars and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than three months, at the discretion of the court or judge trying the case.

Sec. 12. The witnesses before the grand jury to give evidence may be required to answer generally as to any offense against the laws of Alabama for the promotion of temperance and the suppression of intemperance committed within their knowledge during the twelve months next preceding, or as to any violation within said time of any law of the State prohibiting the manufacture, sale or other disposition of any of said prohibited liquors or beverages, or the maintaining of any unlawful drinking place or liquor nuisance, and it shall not be necessary to first specially interrogate the witnesses as to any particular offenses, but a witness must not be prosecuted for any offense as to which he testifies before the grand jury; and the solicitor or any member of the grand jury may be a witness to prove that fact.

Sec. 13. The judges of all courts empanneling grand juries shall give in special charge to said grand jury the liquor laws of the State, and those enacted for the purpose of promoting temperance and suppressing the evils of intemperance, and he shall instruct them to investigate and return indictments against all persons guilty of violating said laws or any provision of them.

Sec. 14. That grand juries shall have no discretion as to the finding of indictments for violations of the provisions of this act, or for violations of the provisions of any law of the State for the promotion of temperance and the suppression of intemperance, and it shall be their duty, if the evidence justifies it, to find and present indictments for every such violation.

Sec. 15. That no clerk, servant, agent or employee of any person accused of a violation of the laws to promote temperance and to suppress intemperance, or prohibiting the sale, manufacture or other disposition of liquors, or beverages, shall be excused from testifying against his principal for the reason that he may thereby incriminate himself, nor shall any princi-

pal be excused for the same reason from testifying against any clerk, servant, agent or employee in such cases; but no testimony so given by any of said parties shall in any manner in any prosecution be used as evidence directly or indirectly against him, nor shall the party testifying be thereafter prosecuted for any offense so disclosed by him.

Sec. 16. That it shall be unlawful for any person, firm or corporation engaged in the business of selling beverages to keep or store on the premises where said beverage business is conducted any prohibited liquors or beverages, the sale, offering for sale, or other disposition of which is prohibited by the law of Alabama, and any person so violating this section shall be guilty of a misdemeanor; and this section is enacted to prevent evasions of the law and to remove opportunity of evading the law by selling prohibited beverages under cover of the legitimate beverage business.

Sec. 17. That any person who within the State solicits or receives any order for spirituous, vinous or malt liquors, or any other liquors or beverages prohibited by the law of the State to be sold, or offered for sale, or otherwise disposed of in this State, in any quantity to be shipped into the State, or to be shipped from one point in this State to another point in this State, shall be guilty of a misdemeanor; and if such order be in writing parol evidence thereof is admissible without producing, or accounting for the absence of the original; and the taking or soliciting such orders is within the inhibition of this section, although the orders are subject to approval by some other person and no part of the price is paid, nor any part of the goods delivered when the orders are taken.

Sec. 18. That the sheriffs of the various counties shall at least once every month, between the first and tenth days of the month, procure from the office of the United States internal revenue collector for the State the name of each person, firm, or corporation to whom a United States internal revenue license, or tax stamp, has been issued as a wholesale or retail liquor dealer, or a wholesale dealer or retail dealer in malt liquors, or a brewer or rectifier of spirits, and the name of each person, firm or corporation that has complied with the laws of the United States to become or carry on the business of a distiller in his county, and such sheriff shall immediately thereafter cause to be published for two successive weeks in some newspaper in his county in such black type as will call special attention thereto the names of said parties, together with the location of their places of business, giving street number when

obtainable. For such services the sheriffs shall each receive the sum of twenty-five dollars per annum, and the expense and costs of publishing the same to be paid out of the general funds of his county. Any sheriff who shall fail, neglect or refuse to comply with the provisions of this section shall be guilty of a misdemeanor and shall be punished upon a conviction by a fine of not less than fifty nor more than five hundred dollars and may in the discretion of the judge or court trying the case be sentenced to hard labor for the county for not exceeding six months.

Sec. 19. That the following are hereby declared to be common nuisances and may be designated as liquor nuisances: (1) any rooms or structures used for the unlawful manufacture, sale, furnishing, distilling, rectifying, brewing or keeping of liquors or beverages that are prohibited by the laws of Alabama to be manufactured, sold or otherwise disposed of in this State; (2) all houses, shops or places where such prohibited liquors and beverages, or any of them, are sold, bartered, exchanged or otherwise disposed of to be drunk on or near the premises, or where such prohibited liquors, liquids or beverages are kept for the purpose of sale or other disposition thereof in violation of law; (3) all places of resort where persons are permitted to resort for the purpose of drinking such liquors or beverages on or about the premises; (4) any unlawful drinking place that is kept or maintained in violation of the law of the State; (5) all restaurants, hotels, and public eating places where the prohibited liquors and beverages, or any of them, are sold or served for beverage purposes; (6) all places where business is carried on by a wholesale or retail dealer in liquors, or by a wholesale or retail dealer in malt liquors or by a brewer or distiller or rectifier of spirits in violation of the law of the State; (7) all warehouses or storage places where the prohibited liquors and beverages, or any of them, are kept or stored or received on consignment, or for distribution or delivery, contrary to the laws of the State. The bill to be filed to abate such nuisances may be filed against any person, firm or corporation who maintains or aids in maintaining such nuisance, including agents, servants and employees, as well as officers of corporations.

Sec. 20. That the nuisances named in the preceding section may be abated by a proceeding in equity in a court of competent jurisdiction, and the State attorney general, or the circuit or other solicitor, or deputy solicitor, or any prosecuting officer within a county where his official duties require him to prosecute criminal causes on behalf of the State, or any citizen, or

citizens, of the county wherein such nuisance exists, or is maintained, may upon their relation file a bill in the name of the State of Alabama in the chancery court, or other court possessing equity jurisdiction, in the county where the nuisance exists, to abate and perpetually enjoin the same. The bill or petition shall state the facts upon which the application is based and shall be verified by the affidavit of the officer or citizen filing the suit either upon knowledge or information and belief, as the circumstances may warrant, and in case the bill is filed by any one of the officers named and he be unwilling to make the affidavit, the verification may be made by any citizen or citizens, in the same manner and terms, as if the bill had been filed by him or them. No bond shall be required as a condition precedent to the issuance of a preliminary injunction when the suit is brought by the attorney general of the State, or solicitor, deputy solicitor or any other prosecuting official. When a bill making a prima facie case and properly verified is presented to the chancellor or judge of the court wherein the bill is filed, or is to be filed, or other judge authorized by the law of the State to grant a fiat for a preliminary injunction, such chancellor or judge may order an appropriate preliminary injunction to issue in accordance with the prayer of the bill, and the chancellor or judge may direct the terms of the preliminary injunction so as to carry out the purposes of this section, which is to secure restraint and abatement of such liquor nuisances on the premises. The owner of and all persons interested in the building or premises where the nuisance exists, or any agent renting the same, as well as the keeper thereof, may be joined with the keeper as parties defendant to the proceedings, and all such owners, keepers, parties interested or agents who may be found to have knowingly assented to the keeping or maintaining of such nuisance on the premises at any time within six months prior to the commencement of the suit, and their servants, lessees, and tenants shall be perpetually enjoined from maintaining and keeping, or suffering to be kept and maintaining such nuisance, or any liquor nuisance, upon the said premises. The court shall have full power and authority to maintain its jurisdiction and by all suitable orders and writs to enforce its decrees in respect to the subject matter of the suit, and to so shape and mold its decrees, as to accomplish the purpose of the bill; and all the rules of evidence, practice and procedure, except as otherwise herein provided, that pertain to courts of equity generally, or that exist by virtue of any law of this State may be invoked and applied in any such injunction proceeding instituted

hereunder. Upon the final hearing of the case instituted to abate a liquor nuisance if it shall appear that the bill has been sustained by the evidence, or has been taken or confessed, the court shall order an abatement of the nuisance, which order shall direct the destruction of all such prohibited liquors and beverages, as are found upon the premises, together with all signs, screens, bars, bottles, glasses, and other movable property used in keeping and maintaining said nuisance and the destruction of all such liquors and beverages, and such movable property as may have been seized under authority of the court pending the hearing of the cause. If the bill shall pray for a writ of seizure authorizing the sheriff to seize all prohibited liquors and beverages on the premises together with all signs, screens, bars, bottles, glasses, and other movable property used in keeping and maintaining said nuisance, the officer, or citizen, or citizens, filing the bill may at the time they apply for a preliminary injunction make application to the judge who grants the fiat, or to the judge or chancellor of the court in which the bill is, or to be, filed, or they may at any time pending the hearing make such application, to said judge or chancellor for such writ of seizure, and said writ may be ordered to issue when probable cause is shown, supported by oath or affirmation, for the issuance of said writ, and that the officer or person making the application or filing the bill has probable cause to believe, and does believe, that said prohibited liquors and beverages are manufactured, sold, furnished, given away, kept or offered for sale in violation of law on or about said premises, and the said officer or citizen, making the application may support the same by the production of affidavits in writing sworn to and subscribed by the persons making them, and the judge may order said writ of seizure when he is satisfied from the affidavit of the officer or citizen, or of others, one or both, that facts have been produced affording probable cause for believing the grounds of the application to exist. Such writ shall name or describe the person or other party whose premises are to be searched, and shall describe as near as may be the liquors or beverages that are to be seized, and the place where said liquors and beverages are to be seized as hereinafter prescribed for other search warrants. Whenever it shall be finally decided in the cause that the liquors seized as aforesaid are forfeited, and that they were kept or stored for an illegal purpose the decree shall order the officer having said liquors in custody to forthwith destroy the same, together with the vessels containing the same, and other movable property used in keeping and main-

taining the nuisance, and immediately thereafter to make return of said order to the court whence it issued with his doings endorsed thereon, but if it shall finally be decided that any liquors or beverages so seized are not liable to forfeiture the court shall order the officer having the same in custody to restore said liquors, with the vessels containing the same, to the place where it was seized as near as may be and to the person entitled to receive it, which order the officer shall obey and make return to the court of his acts thereunder.

Sec. 20 $\frac{1}{2}$. There shall be allowed the officer making the seizure under such writ in an injunction case the sum of three dollars and the sum of ten cents for every mile traveled in making the seizure, together with such reasonable sum as the court may deem just for necessary expenses incurred in transporting and providing storage for liquors and beverages and other movable property seized; all which costs shall be taxed in the bill of costs, and if not collected from a defendant then shall be taxed and paid as in criminal prosecutions in which the State fails; and the costs of such injunction case, unless charged against some party defendant by the court and collected from him, shall be paid as in criminal cases in which the State fails, upon the court making an order to that effect.

Sec. 21. Prohibited liquors and beverages kept, stored or deposited in any place in this State for the purpose of sale or unlawful disposition or unlawful furnishing or distribution and the vessels and receptacles in which such liquors are contained, are hereby declared to be contraband and are forfeited to the State when seized and may be condemned for destruction as hereinafter provided, and prohibited liquors and beverages may be searched for, seized and ordered to be destroyed as hereinafter set forth.

Sec. 21 $\frac{1}{2}$. That in all criminal prosecutions against any person for violating a provision of this act or any other for the suppression of the evils of intemperance, the court or judge upon a conviction may order the destruction of such prohibited liquors or beverages as had been sold, offered for sale, or had or kept in possession for sale or otherwise disposed of by the defendant, or had been employed by him for use or disposition at any unlawful drinking place, or had been kept or used in conducting the business of a liquor dealer or malt liquor dealer, when such liquors or beverages have been seized for use as evidence in the case, and such court or judge shall have the like power upon conviction in case of the seizure for use as evidence of such prohibited liquors and beverages, in prosecution,

any person for unlawfully storing, accepting on consignment or delivering or transporting or shipping such prohibited liquors and beverages.

Sec. 22. That a search warrant for the seizure of liquors and beverages that are prohibited to be sold or otherwise disposed of in this State, together with the vessel or other receptacles in which they are contained, may be issued as hereinafter prescribed, and the proceedings to secure the destruction of such liquors, beverages, vessels and receptacles upon the grounds herein defined shall be as follows: (1) The warrant may be issued by justices of the peace, judges of the county court, or any inferior court possessing the civil or criminal jurisdiction of justices of the peace, by recorders or other municipal judges of towns or cities by whatever name called; and the word magistrate hereinafter employed shall include each of the officers authorized to issue warrants; also by the judges named in subdivision 14. (2) Said warrants may be issued only on probable causes supported by affidavit naming or describing the person or other party whose premises are to be searched if known, and describing as near as may be the liquors and beverages to be searched for and the place to be searched, but the liquors or beverages may be described as prohibited liquors and beverages or spirituous, vinous or malt liquors if more specific description be not obtainable, and the affidavit may show that more specific description is not obtainable. The warrant may be executed by any one of the officers to whom it is directed, but by no other person except in aid of the officer, he being present and acting in its execution, but the complainant may accompany the officer who executes the warrant and give information, and assist him in executing the writ. A writ addressed to a sheriff may be executed by a deputy sheriff. (3) The magistrate before issuing a warrant must examine the complainant on oath and any other witnesses he may produce (if he produces any) and take their deposition in writing, and cause the same to be subscribed by the person or persons making them; and the same must be set forth facts and circumstances or both tending to establish the ground or grounds of the application or probable cause for believing that a ground exists authorizing search warrant to issue. (4) If the magistrate is satisfied of the existence of ground or grounds for the application, or one of them, or that there is probable cause to believe the existence of them, or one of them, he must issue a search warrant signed by him directed to the sheriff or to any constable of the county, commanding him to forthwith search the place named for the

prohibited liquors and beverages and to bring them before the magistrate; if the warrant is sought to search a place whose keeper or owner is unknown, the affidavit may so state and the warrant may issue accordingly. The magistrate may direct the warrant to the chief of police or any police officer of a city when the place to be searched is within a city or within the police jurisdiction thereof. (5) The warrant may be in substantially the form prescribed by the Code of Alabama for other search warrants, and must, except as herein otherwise specified, be executed in the manner and with the authority of the officer as prescribed by said Code in respect to other search warrants. (6) The warrant may be issued on any one of the following grounds: (a) When any person, firm, association of persons or corporation, or unknown person or other party, keeps a place where prohibited liquors and beverages, or any of them, are manufactured, sold, kept for sale or otherwise disposed of contrary to law, or when such liquors and beverages, or any of them, are stored for sale, delivery or distribution contrary to law, or for other illegal purposes in any warehouse or other place. (b) When such prohibited liquors or beverages, or any of them, are in the possession of any person, firm, association or persons or corporation conducting on the premises an unlawful drinking place or maintaining a liquor nuisance thereon by means thereof. (c) When any person, firm, association or corporation is carrying on at the place the business of a retail or wholesale dealer in liquors (except bona fide druggists, who sell and keep for sale alcohol only under the regulations prescribed by law) or the business of a retail or wholesale dealer in malt liquors, and said liquors are kept for sale by such dealer. (7) When an officer takes prohibited liquors and beverages under the warrant he must, if required, give a receipt to the person from whom they were taken or in whose possession they were found, and also a receipt for such receptacles or vessels as may be taken under the warrant, and the warrant must be executed and returned to the magistrate by whom it was issued within ten days from date, and after that time if it is not executed it is void. The officer in his return of the warrant to the magistrate must specify with particularity the liquors and beverages and other articles taken; and the applicant for the warrant and the person from whose possession the liquors and articles were taken are entitled to a copy of the warrant, signed by the magistrate, which he must furnish them on their application therefor. The warrant may be executed at any time between eight o'clock in the morning and six

o'clock in the afternoon, or at any other time that the place or premises are open; but section 22 is not intended to secure the search of the premises of bona fide druggists who sell, or keep for sale alcohol only for medical, scientific or mechanical purposes, or wine for sacramental purposes as authorized by law, or of bona fide physicians who sell and keep for sale pure alcohol only for medical purposes at the places that may be allowed and subject to the restrictions and regulations prescribed by law. (8) When liquors and vessels are seized by the officer they shall be held by him subject to the order of the magistrate or the court to which the proceeding may be carried by appeal; and upon final judgment in accordance with the procedure herein defined must be returned to the lawful owner or owners or be otherwise disposed of according to law. Liquors seized and vessels containing them shall not be taken from the custody of the officer by writ of replevin or detinue or other process while the proceedings are pending; a final judgment of condemnation in all such cases is a bar to all suits for the recovery of any liquors or vessels seized for the value of the same and for damages alleged to arise by reason of the seizure and detention thereof. The word vessel when used herein shall also include receptacles, and the word liquors shall also include other beverages that are seized. (9) Upon the return of the warrant to the magistrate showing a seizure thereunder, the magistrate shall issue a notice directed generally to all persons claiming any right, title or interest in such liquors, to appear before the magistrate issuing the warrant at a time and place therein specified not less than five nor more than fifteen days after the issuance of said notice and show cause why such liquors and vessels shall not be forfeited to the State and destroyed. A copy of such notice shall be delivered to the person or other party who kept the liquor or had possession of the liquors at the time of the seizure, and a copy shall also be delivered to the party named in the affidavit for the warrant if a different party from the one who kept or had possession of the liquors at the time of the seizure, and the officer shall place another copy of such notice in a conspicuous place upon said premises. At the time and place specified in the notice any person claiming any right, title or interest in the liquors and vessels seized under such warrant may interpose a verified answer controverting the allegations of the complaint upon which said warrant was issued and controverting the ground or grounds upon which the warrant was issued, and shall propound in such answer what right, title or interest he claims in the liquors or

vessels seized. The issue thus framed shall be deemed an action pending in the court of the judge or justice who issued the warrant between the State of Alabama on the relation of the complainant and the liquor and vessels so seized and against the party in possession of the liquor or against the party who interposes the claim and may be entitled in the name of the State of Alabama against the said party so appearing, if any, and if no one appears may be entitled as against said liquors adding for identification the name of the person or persons mentioned in the affidavit for warrant. The said case shall be tried in court as other cases are tried therein. If no party appear to make a claim at the time specified in the notice, or if no verified answer controverting the allegations of the complaint and the grounds of complaint is interposed, the judge or justice shall proceed to hear the testimony in support thereof. If it be established upon the hearing before said judge or justice or upon the trial of the action if issue be joined, that the liquors so seized were kept, stored or deposited for the purpose of unlawful sale or other disposition or furnishing or distribution within this State, or if it appears that the complainant has established a ground for the issuance of such search warrant, judgment of forfeiture and destruction of said liquors and vessels shall be entered which judgment shall provide for the public destruction of such liquors and vessels in which the same were contained by and under the direction of the officer who seized the same, or some other officer to be named by the court or judge. If the testimony produced on the hearing before the judge or justice or upon such trial before the judge or court shall fail to establish the complaint, or that a ground existed for the issue of the warrant, or that the liquors and vessels were kept, stored or deposited for the purpose of unlawful sale or other disposition or furnishing, distribution or delivery within this State, judgment shall be entered dismissing such complaint and providing that such liquors and the vessels containing the same be returned to the place from which or to the person from whom they were taken. If different parties appear and claim separate portions of the liquor seized, separate answers may be filed and separate issues may be framed and the trial had accordingly either before the magistrate or in the higher court to which the same may be carried by appeal. If judgment shall be against only one party defendant appearing he shall be charged to pay all the costs of the proceeding in the seizure and detention of the liquors claimed by him and the costs of the trial. But if judgment shall be rendered against

more than one party claiming distinct parts of or the interest in said liquors and vessels, then the cost of the proceedings and trial may be equitably apportioned among the defendants for the amount of cost to be adjudged against them according to the discretion of the magistrate or court. In the event no one appears to contest the order or forfeiture and condemnation, or if the complaint is not sustained and no judgment of forfeiture is obtained, the costs shall be taxed and paid as costs are taxed and paid in criminal prosecutions wherein the State fails, and this rule shall apply as to any separate claim when several parties appear, claim and contest, and such separate claim is sustained and there is failure to obtain judgment as to the part of the liquor so claimed. In the event no one appears to contest the order of forfeiture and condemnation or if the complaint is not sustained and no judgment of forfeiture is obtained, the costs shall be taxed and paid as costs are taxed and paid in criminal prosecutions wherein the State fails and this rule shall apply as to any separate claims when several parties appear, claim and contest and such separate claim is sustained and there is failure to obtain judgment as to the part of the liquor so claimed. Any appeal from such magistrate must be taken within five days from the date of judgment, and an appeal may be taken in behalf of the State to the circuit or other court of like jurisdiction by the solicitor or other prosecuting attorney by filing a prayer for an appeal with the magistrate. (10) Any person appearing and becoming party defendant as aforesaid may appeal from the judgment of forfeiture and condemnation as to the whole or any part of the liquors and vessels claimed by him and adjudged forfeited, to the circuit court or city court or other like court of civil or criminal jurisdiction as in cases appealed from a justice of the peace or county court to such higher court, the appeal to be granted upon parties giving bond for the cost of appeal, and that will be incurred in such higher court, and upon written demand being made therefor endorsed on the appeal bond at the time said appeal is taken, the appellants may be entitled to a jury for the trial of the cause in said circuit or other like court. And said trial court shall proceed with the case de novo and may cause suitable issues to be framed for the determination of the cause. (11) Whenever it shall be finally decided that the liquors and vessels seized as aforesaid are forfeited and ordered condemned, the magistrate or court rendering final judgment of forfeiture shall issue to the officer having said liquors in custody, a written order directing him forthwith to destroy said liquors and vessels, and

immediately thereafter to make return of said order to the court whence issued with his doings endorsed thereon. When it is finally decided that the liquors so seized are not liable to forfeiture, the magistrate or the court rendering the decision shall issue a written order to the officer having the same in custody to restore the same with vessels to the place where seized as nearly as may be or to the persons who are entitled to receive them. (12) The payment of a retail liquor dealers or retail malt liquor dealer's special United States internal revenue tax for the place and covering the period in which such liquors are seized, or the maintenance or posting in any place where such liquors are seized of a retail liquor dealers or retail malt liquor dealers special United States internal revenue tax stamps, or a wholesale malt or liquor dealers tax stamps in force and effect at the time of such seizure, or the posting, keeping or maintaining of a notice or sign of any kind on or about the premises where such liquors are seized indicating that prohibited liquors are there sold, kept or given away, shall be prima facie evidence that the liquors so seized are kept, stored and deposited for unlawful sale or unlawful furnishing, disposition or delivery and shall constitute probable cause justifying the issuance of a search warrant to search the premises for prohibited liquors or beverages, and shall justify an injunction upon a bill filed in equity to abate a liquor nuisance at the place where the same is posted. The keeping of prohibited liquors in any building not used exclusively for a dwelling shall be prima facie evidence that the same are kept to be sold or otherwise disposed of or delivered or furnished contrary to law, except as to bona fide wholesale and retail druggists selling alcohol as specified in section 22 of this act and who shall have filed with the probate judge of the county a declaration in accordance with said section. No search warrant shall be taken out or bill of injunction filed against any wholesale or retail druggist paying such tax as a retail or wholesale liquor dealer until after the expiration of thirty days from the taking effect of this act unless other evidence be obtained showing probable cause other than the payment of such special tax, or the posting of such special stamps. But nothing herein is intended to prevent any action to be taken against any druggist at any time when there is evidence of a violation by him of any law for the suppression of intemperance or the promotion of temperance, or against the sale or other disposition of prohibited liquors and beverages. (13) No person excepting one who answers claiming some right, title or interest in the liquors so seized shall be excused

from attending and testifying or producing any books, papers or other documents before any court or judge or justice upon any such hearing or trial upon the ground or for the reason that the testimony or evidence, documentary or otherwise required of him may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation, trial or proceeding. (14) A search warrant subject to the rules and restrictions hereinabove declared may be likewise issued by any judge of a city, circuit, criminal or other like court of record possessing criminal jurisdiction, returnable before the court in term time, and on the return of the warrant the same proceedings may be had before the judge sitting as a court as are prescribed hereinabove for the trial before magistrates issuing said warrants. Any defendant to the warrant in such court of record may have a jury trial upon demanding the same at the time he files his verified answer and claim. (15) Where an officer seizes liquors and vessels under a search warrant he shall appear on the day fixed for the hearing and prosecute the case on behalf of the State, and if there be in the county at that time a solicitor or his deputy, or other prosecuting attorney, he may notify such officer of the hearing, and such officer shall appear and prosecute said case on behalf of the State in connection with the officer making the seizure and in connection with the complainant suing out the search warrant, if the latter wishes to appear therein. (16) There shall be allowed the officer making the seizure under a search warrant the sum of three dollars, and also the sum of two dollars additional for every day that such officer shall necessarily be employed in attending court for the purpose of causing liquors seized to be condemned, and the sum of ten cents per mile for each mile he shall travel in executing the writ, together with such reasonable sum as the court may deem just for necessary expenses incurred in transporting and providing storage for liquors and vessels seized; all such costs shall be taxed in the bill of costs, and if not collected from the defendant or defendants, shall be taxed and paid as in criminal prosecutions in which the State fails, upon the court or judge or justice making an order to that effect. (17) That whenever in any search warrant proceeding for forfeiture and destruction of liquors and vessels, it shall appeal

to the judge or court that there has been any irregularity in the service of any process or notice, or any omission to post or serve notices required or any defect in the affidavit or notice or in the service or return of either, the judge or court may permit the same to be amended, and may direct such further service or process or of notice as will in the judgment of the judge or court be most effectual in securing notice of the proceeding to those who may be entitled thereto, and so that the proceeding may not fail for any irregularity or technicality. (18) A search warrant may be sued out and prosecuted in accordance with the rules and regulations hereinabove prescribed in case there is probable cause to believe and it is made to appear to the magistrate or judge issuing the warrant that there is probable cause to believe that prohibited liquors and beverages, or some of them, are kept or deposited in or on a steam boat or water craft, of any kind, or in a depot, railway, car or land carriage or vehicle of any kind, for unlawful sale, furnishing, distribution or other unlawful disposition. The place where such search is to be made should be described as near as may be in the affidavit and warrant for purpose of identification.

Sec. 22½. Upon the trial of a complaint, warrant or indictment, or in any other judicial proceeding in which any person, firm or association or corporation is charged with having sold, or offered for sale, spirituous or malt liquors, or prohibited liquors and beverages, whether the sole charge or not, or with becoming a wholesale or retail dealer in liquors, or with being a wholesale or retail dealer in malt liquors, or with carrying on the business of such wholesale or retail dealers in liquors or malt liquors, or with maintaining a liquor nuisance, it shall be competent to prove that the party charged has for the place and period of time involved paid a wholesale or retail dealers, or wholesale or retail malt liquors dealer's special United States internal revenue tax according as the charge may be; and it shall also be competent to prove that the party charged had posted at the place and time involved a liquors dealer's, or a malt liquors dealers, special United States internal revenue tax stamp on or about the premises, and parol testimony may be received of the payment of any such special United States internal revenue tax and of the existence of the special United States internal revenue tax stamp posted or kept on or near the premises, at the place, or on or about the premises involved, and of the existence of any other fact made evidence by this section; and the fact of the payment of such wholesale or retail dealer's or wholesale or retail malt liquor

dealer's special United States internal revenue tax for the place and covering the period involved shall be deemed to be and constitute prima facie evidence that the party paying the same, or to whom it was issued, had sold, or offered for sale, the liquors for which, or for the privilege of selling which, said special tax had been paid, and said special tax stamp obtained, and that at the place and during the time for which said tax was paid, and at the place at which said stamp tax was posted said party had carried on the business of a wholesale or retail liquor dealer or of a wholesale or retail malt liquor dealer, according to the terms of the special tax stamp; and the possession of said special tax stamp on or about the premises shall be prima facie evidence to the same effect. In any prosecution of any person, firm or corporation, or in any judicial proceeding against such person, firm or corporation for carrying on the business of a brewer or distiller or rectifier of spirits, the fact may be shown in evidence by parol or other competent manner that the party charged has taken out a license from the United States as a brewer or distiller or rectifier of spirits, or has paid a special internal revenue tax as such brewer, distiller or rectifier of spirits, or has complied with the laws of the United States entitling such party, so far as concerns said laws, to be a brewer or rectifier or distiller of spirits for the place or the period involved in the charge or in the case and shall be deemed prima facie evidence of the guilt of such party, according as the charge may be; and when the payment of such tax, or the posting of such stamp tax, is made to appear to the satisfaction of the judge or chancellor in any proceeding to enjoin or abate a liquor nuisance, the same shall be sufficient to justify the chancellor or judge in awarding a preliminary injunction restraining the maintenance of such liquor nuisance. The same evidence with like effect as that hereinabove referred to is admissible against any servant, agent, clerk, or employee of any principal who has paid the tax or posted the tax stamp, or qualified to do business as a distiller, brewer or rectifier under the laws of the United States when such servant, agent, clerk or employee was engaged in conducting, or in aiding in the conduct of the business of the principal at the time and place involved and for which the tax was paid, or for which the principal qualified to do business as such distiller, brewer or rectifier. But the rule of evidence herein declared by which the payment of the special tax or the posting of a tax stamp is made prima facie evidence shall not apply to bona fide wholesale druggists selling alcohol only under the regulations of the

law of the State and who have paid a special tax or taken out a special tax stamp from some internal revenue collector as a wholesale dealer in liquors, nor shall it apply to any retail druggist who is himself a registered or licensed pharmacist or who regularly employs a registered or licensed pharmacist, or to a bona fide physician who sells and keeps for sale alcohol for medicinal purposes, only, as authorized by law, and who sells alcohol only under the regulation prescribed by the law of the State and who has paid a special tax or has taken out a special tax stamp as a retail liquor dealer under the laws from such internal revenue collector. Provided, however, that the said druggist within thirty days after the passage of this act, or within fifteen days after paying such tax or taking such tax stamp, shall file a declaration under oath with the probate judge of the county in which their business is located and have same recorded to the effect that they paid said tax and obtained said stamp as such liquor dealer for the sole purpose of selling alcohol as authorized under the law of the State, and that they will not under said tax stamp or otherwise sell, offer for sale or keep for sale upon the premises where their business is conducted, any prohibited liquors or beverages except such alcohol as they are permitted by the laws of Alabama to sell; and provided further that bona fide physicians who may pay such tax in order to obtain the right to sell alcohol as authorized by the law of Alabama, shall within fifteen days after paying such tax and obtaining a tax stamp, file with the probate judge of the county a declaration in the terms hereinabove provided for use by druggists.

Sec. 23. It shall be unlawful for any person, firm, association or corporation to receive for storage, distribution or on consignment for another prohibited liquors and beverages or any of them, or to have or maintain any warehouse or other place for the receiving, storing or distribution of liquors for another, and any person violating this section shall be guilty of a misdemeanor.

Sec. 24. It shall be unlawful for any person, firm, corporation or association, whether a common carrier or not, to accept from another for shipment, transportation or delivery, or to ship, transport or deliver for another said prohibited liquors or beverages or any of them, when received at one point, place or locality in this State, to be shipped or transported to or delivered to another person, firm or corporation at another point, place or locality in this State, or to convey or transport over or along any public street or highway any of such prohibited

liquors for another, and any person violating any provision of this section shall be guilty of a misdemeanor, but the provisions of this section shall not apply to those transporting and delivering to druggists and physicians such alcohol as they are permitted by the laws of the State to sell or dispose of in accordance with the statutory regulations upon that subject.

Sec. 25. No transfer company, traffic company, transportation company, warehouse company or other like corporation chartered under or by the laws of Alabama shall have any right or power to engage in or carry on the business of delivering, transporting, storing or warehousing any prohibited liquors and beverages, and any corporation of this State offending against this provision or engaging in such business shall forfeit its charter, which, however, may be declared upon a suit in quo warranto before a court of competent jurisdiction if any person or officer wishes to institute the suit.

Sec. 26. That when any certificate of incorporation or declaration or other like instrument is filed with any probate judge in this State preliminary to the organization of or formation of any business corporation under the laws of the State of Alabama of the kind named in the preceding section or of any mercantile or beverage company, the said instrument shall contain a paragraph to the effect that the corporation to be organized shall have no right, power or authority to manufacture, sell, keep for sale or otherwise dispose of or store, warehouse, deliver, or transport any prohibited liquors or beverages, or to be in any wise concerned in the traffic therein, unless it be a declaration to organize a bona fide drug company which must state that it has no right, power or authority to sell or keep for sale or offer for sale any prohibited liquor or beverage except alcohol in the quantity and subject to the restrictions prescribed by the State law; and the said declaration shall also contain a statement to the effect that if such corporation shall do or perform any act which it has specified above it can not do or engage in, it will forfeit its charter which may be declared in a suit brought against the corporation in a court of competent jurisdiction in quo warranto if any person or officer wishes to bring such suit; it being the intent and purpose of this statute by this section to provide against creating corporations under the laws of the State of Alabama that may intend to violate her laws for the suppression of intemperance, or that will engage in or be concerned in any way whatever in the traffic in prohibited liquors and beverages, or in transporting, delivering or storing the same. No probate judge shall receive any declara-

tion, certificate of incorporation or other like instrument for the organization of any such corporation which does not contain the declaration hereinabove described.

Sec. 27. Any person who shall publicly drink spirituous, vinous or malt liquors or other prohibited liquors and beverages in the presence of passengers on a railway passenger car, or street car or at any passenger waiting room or waiting place of any carrier of passengers, shall be guilty of a misdemeanor; but this shall not apply to any closet or smoking compartment; and conductors and superintendents of waiting rooms and waiting places must exercise the powers of a police officer for the enforcement of this section.

Sec. 28. When a sheriff obtains from the internal revenue collector a list of persons who have paid United States special tax as a wholesale or retail liquor dealer or malt liquor dealer or as a brewer, or have qualified under the laws of the United States to be a rectifier or distiller of spirits in his county, he shall promptly furnish the solicitor, his deputy or other prosecuting officer or attorney who prosecutes criminal cases in the county on behalf of the State, with said list or a copy and it shall thereupon be the duty of such solicitor or other prosecuting attorney so notified to take active steps to secure the conviction of such persons and the prevention of a continued violation of the law of the State by such person or party, and he shall proceed by injunction, search warrant or criminal prosecution, one or all, according as his judgment dictates shall be most effective in securing the enforcement of the law against such party or parties, if he is willing and able to make the affidavit required by law, and if he is not he shall proceed by such injunction or search warrant and criminal prosecution, if any reputable citizen offers to make or will make the affidavit necessary to secure the warrant, search warrant, or preliminary injunction, in which cases he shall superintend the preparation of the papers and the prosecution of the cause; and any solicitor or other prosecuting attorney or sheriff who fails to comply with the requirements of this section, shall forfeit the sum of five hundred dollars to the State for each dereliction; but the said officers need not unless they have other evidence to justify it proceed against any bona fide druggist or any regular practicing physician or practicing physician who pays such special tax for the purpose of selling alcohol according to the statutory regulations upon that subject and who has complied with the provisions of this act in respect to filing a declaration in the office of the probate judge of the county as to the purpose for which said tax was paid.

Sec. 29. That any solicitor or other prosecuting attorney in the county whose duty it is to prosecute criminal cases on behalf of the State, shall not be prohibited from commencing prosecution on his own affidavit against any party violating any provision of this statute or any other law of the State of Alabama for the suppression of the evils of intemperance, and it shall be the duty of every such solicitor upon receiving information giving him probable cause to believe that there has been a violation of any statute upon the subject named, to proceed to lay the matter before the grand jury or to institute a criminal prosecution against said party by affidavit before a court or judge of competent jurisdiction if he is willing and able to make such affidavit for the institution of a criminal prosecution, or if he is not he must superintend the preparation of the papers and the institution of the prosecution if any citizen is willing to make an affidavit for the institution of a criminal prosecution against any party for such violation, provided the solicitor is of opinion upon the facts at hand that there is reasonable ground to believe that the offense has been committed. And sheriffs are charged with the duty of being on the alert for violations of any said statutes and of co-operating with the solicitor and prosecuting attorneys in bringing violators to justice.

Sec. 29½. That in an indictment, complaint or affidavit for selling, offering for sale, keeping for sale or otherwise disposing of spirituous, vinous or malt liquors, it is sufficient to charge that the defendant sold, offered for sale, kept for sale or otherwise disposed of spirituous, vinous or malt liquors contrary to law; and in an indictment, complaint or affidavit for selling, offering for sale, keeping for sale or otherwise disposing of prohibited liquors and beverages, it is sufficient to charge that the defendant sold, offered for sale, kept for sale, or otherwise disposed of prohibited liquors and beverages and on the trial under a charge in either form any act of selling in violation of law embraced in the charge may be proved, and the charge in each of said forms shall be held to include any device or substitute for any of said liquors. If any indictment, complaint, information, or affidavit, charging that prohibited liquors and beverages have been manufactured, sold, offered for sale, kept for sale or otherwise disposed of, it shall not be necessary to set out the kind or quantity of the prohibited liquors and beverages, nor the person to whom such sale or offer to sell or other disposition was made, and in any prosecution for a second or subsequent offense it shall not be requisite to set forth in the

indictment, information, complaint or affidavit, the record of a former conviction, but it shall be sufficient briefly to allege such conviction, and the person purchasing or to whom prohibited liquors and beverages or any of them have been sold or otherwise disposed of shall in all cases be a competent witness to prove the unlawful act, and no person who testifies with respect to any unlawful act under this statute or other statute for the suppression of the evils of intemperance shall be prosecuted in respect to any act to which he testifies nor shall his evidence so given be used against him in any criminal proceeding.

Sec. 30. Indictments, informations, complaints or affidavits for any violation of this statute, or any provision thereof, or of any other statute of the State for the suppression of the evils of intemperance, may set out several charges in separate counts, and the accused may be convicted and punished upon each one as upon separate informations, indictments, complaints or affidavits and judgment shall be rendered on each count under which there is a finding of guilty.

Sec. 31. The term, prohibited liquors and beverages, employed in this act, shall include all liquors, liquids, and beverages now or hereafter prohibited by the law of the State to be manufactured, sold or otherwise disposed of, or any devise or substitute for any of them, and shall also be so understood in any warrant, process, affidavit, complaint, indictment, judgment, decree or pleading in any judicial proceeding; and the term "otherwise disposed of" following the words, sell, offer for sale or keep for sale, and the term "otherwise disposed of" following the words sold, offered for sale, kept for sale, when employed in any warrant, process, affidavit, indictment, information or complaint, or in any bill in equity or other pleading in any judicial proceeding or in any judgment or decree shall include and be deemed to include barter, exchange, giving away, furnishing or any manner of disposition by which said liquors and beverages may pass unlawfully from one person to another; and the term person or the term party when employed alone in this act shall include a firm, corporation or association of persons.

Sec. 31½. That in all affidavits, informations, complaints or indictments against any party or parties for maintaining an unlawful drinking place as defined by the law of this State, it shall be sufficient to charge that the defendant maintained an unlawful drinking place contrary to law or to the statutes in such cases made and provided, and under such indictment it shall be competent to prove any act of the defendant which

under the law of the State constitutes the keeping of an unlawful drinking place.

Sec. 32. That all prosecutions for a violation of any provision of this act, or of any other act, now or hereafter enacted, for the suppression of the evils of intemperance, or of an act to promote temperance and to suppress the evils of intemperance, and to prohibit the manufacture, sale, offering for sale, keeping or having for sale or otherwise disposing of prohibited liquors and beverages and keeping unlawful drinking places may be begun by affidavit as well as by indictment and that when begun by affidavit the person charged shall not have the right to demand that a grand jury shall prefer indictment for the alleged offense, but the prosecution may continue no matter in what court or before what judge the trial shall be had upon the affidavit upon which it was originally begun, and the said affidavit or any complaint that may be filed in such prosecution may be amended to meet the end of justice and to prevent a dismissal, of the case upon any informality, irregularity or technicality. If the prosecution is begun in a court in which jury trials are provided for, the defendant may at the time he gives bond or within five days thereafter file in the cause a demand for trial by jury, or if he does not give bond he may within five days after his arrest file in the court a demand for a jury trial, in which event such jury trial shall be allowed. If the prosecution is begun before a court or judge as to which or whom no provision is made for a jury trial, the court or judge of it or he has jurisdiction to try the case and to find a party charged guilty or not guilty, shall proceed with the trial, and if the party charged is convicted, he may appeal to the circuit court or other court of record of like jurisdiction in the county, having jurisdiction in cases of appeal from the county court or from a judgment of a justice of the peace, in such form and in such manner and subject to such restrictions as govern appeals under the Code of Alabama from such justices of the peace or county court, and the party may demand and be entitled to a jury trial in such higher court under the same terms and conditions that jury trials are obtainable in cases of appeals from such justices of the peace or county court to said circuit court or other court of like jurisdiction; but this section shall not alter the practice in respect to any preliminary proceeding, authorized by law before a justice of the peace. Nor is it intended hereby to take away from the circuit court of any county any exclusive jurisdiction it may have to try cases against and to punish violators or pro-

hibitory liquor laws, and any circuit court that may have exclusive jurisdiction by any law applicable to the county to try cases against and to punish violators of prohibitory or other anti-liquor laws shall continue to have its present jurisdiction, and shall have such exclusive jurisdiction of violations of this act or of acts hereinabove referred to and all other laws of this State for the suppression of intemperance and the promotion of temperance.

Sec. 32 $\frac{1}{2}$. That in all prosecutions against any persons for manufacturing, selling, offering for sale, keeping or having in possession for sale, bartering, exchanging, furnishing, giving away, or otherwise disposing of prohibited liquors and beverages, and for any one of the said acts, it shall be competent for the State to give in evidence the fact that the beverage which the evidence may tend to show the defendant had manufactured, sold, bartered, exchanged, furnished, given away, or otherwise disposed of, possessed or possesses the same color, odor and general appearance, or the same taste, color and general appearance of a prohibited liquor or beverage such as whiskey, rum, gin, ale, porter, beer, and any other prohibited liquor or beverage, and the fact that the beverage in question as above stated, is of the same color, odor and general appearance or same taste, color and general appearance as beer, shall constitute prima facie evidence that the beverage is a beer or malt liquor or a substitute or device therefor, and within the inhibition of the statute for the suppression of intemperance; and the like rule of evidence shall apply in respect to whiskey and the other beverages named, and in the event the defendant claims that the beverage in question as above referred to is not within the inhibition of the statute when it possesses the same color, odor and general appearance or the same taste, color and general appearance as a prohibited liquor or beverage such as whiskey, beer or the other beverages named hereinabove, the burden of proof shall be upon him to establish to the reasonable satisfaction of the judge, court or jury trying the case that the beverage in question is not within the inhibition of the said statute, and that it is a beverage not prohibited by the statute to be manufactured, sold, offered for sale or otherwise disposed of. The same rule of evidence shall be applicable in all cases for the abatement of liquor nuisance by bills in equity and in all prosecutions for violations of statutes of the State for the suppression of the evils of intemperance when it becomes necessary to determine whether the liquor or beverage in question is a prohibited liquor or beverage.

Sec. 33. That any person who shall act as agent or assisting friend of the seller or buyer in procuring an unlawful sale of any prohibited liquors and beverages shall be punishable as if he had sold said prohibited liquors and beverages, and conviction may be had of such agent or assisting friend upon an indictment, affidavit or complaint against him for selling prohibited liquors and beverages contrary to law.

Sec. 33½. That no dealer in beverages shall post or place about the premises any sign or signs containing the name of any prohibited liquors or beverages or indicating that any prohibited liquors or beverages, are kept on or about the premises for sale or other disposition, nor shall any dealer in beverages employ the word "saloon," "buffet" or "bar" in designating the business or the place where the beverage business is conducted, and in case of any charge or prosecution against any dealer in beverages for violating the law against selling, offering for sale or keeping for sale or otherwise disposing of prohibited liquors and beverages, it shall be competent to make proof in the cause that said party had posted such signs on or about the premises or that the word saloon, buffet or bar was employed to designate the business or the place where the business was conducted. That any person violating any provision of this section shall be guilty of a misdemeanor.

Sec. 34. That if any prohibited liquors and beverages are delivered to a carrier to be by the carrier transported and delivered C. O. D. to any person at a point in this State, meaning thereby to collect on delivery by the carrier for the consignor the amount of the purchase money for such liquors, then and in every case the carrier shall be deemed and held the agent of the consignor, and all such prohibited liquors and beverages shall remain the property of the consignor until actually delivered and the money paid to the carrier therefor; and the servant or agent of the carrier who knowingly delivers any such liquors or receives pay therefor within the State shall be guilty of a misdemeanor.

Sec. 35. That any violation of any provision of this act where no other penalty is provided for, shall be punishable by a fine of not less than fifty nor more than five hundred dollars, to which may be added in the discretion of the judge or court trying the case, imprisonment in the county jail or at hard labor for the county for not less than six nor more than twelve months, this being the general penal clause of the act.

Sec. 36. That if any section or provision of this act shall be declared to be void or unconstitutional it shall not affect or

destroy the validity or constitutionality of any other section or provision which is not in and of itself void or unconstitutional; and it is not intended by this act to interfere with the exclusive power of the Congress of the United States to regulate commerce with foreign nations and among the several States; and this act shall be so construed as to avoid conflict with that clause of the constitution of the United States which confers upon the Congress of the United States the power to regulate commerce with foreign nations and among the several States and with Indian tribes.

Sec. 37. This act shall be liberally construed so as to accomplish the purpose thereof, which is to further suppress the evils of intemperance and secure obedience to and the enforcement of the laws of the State for the promotion of temperance and for the suppression of the manufacture of and traffic in prohibited liquors and beverages and to prevent evasions and subterfuges by which such laws may be violated.

Sec. 38. That all laws and parts of laws, general, local and special, in conflict with the provisions of this act be, and the same are, hereby repealed, but no such repeal or any repeal provided for by this section shall effect any existing right, remedy, defense or liability incurred, nor any action or prosecution, civil or criminal, already commenced or which may be hereafter commenced for any offense already committed, or to enforce any right, penalty or punishment under any repealed law, and as to all such cases the laws in force at the time of the enactment and taking effect of this statute shall continue in force.

Sec. 39. That this act shall go into effect at 11 o'clock P. M., on the 30th day of June, A. D. Nineteen Hundred and Fifteen.

Approved January 23rd, 1915.

No. 3.)

AN ACT

(S. 3.

To authorize and empower the Chief Justice and every Associate Justice of the Supreme Court of Alabama to administer oaths and take affidavits.

Be it enacted by the Legislature of Alabama:

That the chief justice and every associate justice of the Supreme Court of Alabama, be and they are hereby authorized and empowered to administer any oaths and take any affidavits authorized, or required by law.

Approved January 16, 1915.

No. 4.)

(S. J. R. 11.)

S. J. R.

Requesting the active efforts of Senators and Representatives of Alabama in the Congress of the United States to secure the passage of laws excluding from the United States mail all advertisements or solicitations, orders, and literature concerning intoxicating liquors and beverages as well as such beverages themselves.

Be it resolved by the Senate, the House of Representatives concurring, that the senators and representatives in the Congress of the United States are hereby urgently requested to use their endeavor to secure the passage of a law or laws excluding from the United States mail all advertisements or solicitations orders and literature concerning intoxicating liquors and beverages, as well as such beverages themselves.

Passed by the Senate and House January 26, 1915.

No. 6.)

(H. J. R. 19.)

A RESOLUTION.

Resolved by the Legislature of Alabama, That the auditor and the treasurer are hereby requested to furnish to the Senate and House, as quickly as the data can be collected and tabulated, in parallel columns, in triplicate for each House, the following information:

In the first column, opposite appropriate side titles, every item of money actually paid out of the treasury in the fiscal year ending of September 30th, 1910, and then in four parallel columns the amount paid out for every item in the years 1911, 1912, 1913, and 1914. They shall also report the full sum of money in the treasury or in any depositary, subject to the check of the treasurer, and the amount of all outstanding warrants on the treasury at the date 17 January, 1911, together with the amount of any temporary loan. Also the total amount of receipts for every year, from 1906 to and including 1914, and the total sum in the treasury on January 18th, 1915, with the total amount of outstanding and unpaid warrants and temporary loans, and they shall add every other item of information necessary for a clear understanding of the financial operations of the treasury for the past eight years, so as to enable any one to see how much the expenses of the government have been, and when and for what the increases, if any, occurred.

Passed by House January 21, 1915; by the Senate January 26, 1915.

A RESOLUTION.

No. 7.)

(H. J. R. 34.

Resolved by the House, the Senate concurring, that a committee of three, two from the House and one from the Senate, be raised for the purpose of ascertaining whether or not, all State officials required to furnish bond, have complied with law governing said bonds.

Resolved further, that this committee shall ascertain whether bonds are properly made and filed.

Passed by the House January 22, 1915, the Senate concurring January 26, 1915.

No. 9.)

AN ACT

(S. 65.

To further promote temperance and suppress the evils of intemperance; to prevent the advertisement of or solicitation of orders for alcoholic, spirituous, vinous or malt liquors, such as brandy, whiskey, wine, rum, gin, beer and other intoxicating liquors and beverages, and other liquids, liquors and beverages prohibited by the laws of Alabama to be manufactured, sold or otherwise disposed of in this State; to provide for the removal of such advertisements in defined cases, and to provide for the prevention of the continuation and repetition of the acts hereby made unlawful; and to prescribe remedies, procedure, penalties and punishment.

Be it enacted by the Legislature of Alabama:

Section 1. *Whereas*, It is the public policy of this State to discourage the use and consumption of prohibited liquors and beverages, and to secure the strict enforcement of the law against the manufacture, sale, keeping for sale, or other disposition thereof within this State; that is to say, alcoholic, spirituous, vinous or malt liquors, such as brandy, whiskey, wine, rum, gin, and beer, and other intoxicating liquors and beverages, and all the other liquors, liquids, and beverages prohibited by the laws of Alabama to be manufactured, sold or otherwise disposed of in the State. Therefore, it is hereby made unlawful, (1) to advertise upon any street car, railroad car or other vehicle of transportation, or at any public place or resort, or upon any sign or bill board, or by any circulars, posters, price lists, newspapers, periodicals or otherwise within this State, said liquors and beverages, or any of them, or to advertise the manufacture, sale, keeping for sale or furnishing

of any of them, or the person from whom or the firm or corporation from which, or the place where, or the price at which, or the method by which the same or any of them may be obtained; (2) to circulate or publish any newspaper, periodical, or other written or printed matter in which any advertisement in this section specified shall appear, or to permit any sign, or bill board containing such advertisement to remain upon one's premises; or to circulate any price lists, order blanks or other matter for the purpose of inducing or securing orders for such liquors, liquids and beverages, or any of them, no matter where located. Any sheriff, constable or police officer is authorized to remove any such advertisement from any sign, bill board, or other public place when it comes to his notice, and shall do so upon demand of any citizen.

Sec. 2. That any advertisement or notice containing the picture of a brewery, distillery, bottle, keg, barrel, or box, or other receptacles represented as containing any of said liquors or beverages, or designed to serve as an advertisement thereof, shall be within the inhibition of section 1.

Sec. 3. That where and when any violation of any of the provisions of section 1 of this act shall have occurred, the continuation or repetition of the unlawful act or any of like kind by the offending person, firm or corporation, may be prevented by a writ of injunction issued out of a court of equity upon a bill filed in the name of the State of Alabama by the State Attorney General, or by any solicitor or prosecuting attorney in the county, or by any citizen or citizens of the county, in which the offense has been committed; and all rules of evidence, practice and procedure that pertain to courts of equity generally in this State may be invoked and applied, as well as the rules and practice prescribed for bills in equity to abate liquor nuisances, as far as the same are adaptable. All persons whether agents, servants or officers of corporations, or agents or servants of individuals aiding or abetting in the commission of the offense, may be made parties defendant to such bills.

Sec. 4. That any violation of any provision of section 1 of this act shall be punishable by a fine of not less than fifty nor more than five hundred dollars; to which may be added in the discretion of the court or judge trying the case imprisonment in the county jail or at hard labor for the county for not more than six months.

Sec. 4½. That since this act has a broader field of operation than section 3, of an act, approved August 25th, 1909, to further suppress the evils of intemperance, and for other pur-

poses, known as the Fuller bill; and, also, amend the corresponding section of a similar act, enacted at this session, and approved January 23, 1915, to take effect June 30th, 1915, said two sections of said two acts are hereby expressly repealed.

Sec. 5. That this act shall take effect from and after its final passage and enactment into law, the public welfare requiring it.

Passed by the Senate and House February 10, 1915.

No. 10.)

(S. 55.)

AN ACT

To further promote temperance and suppress the evils of intemperance, and to restrict the consumption of spirituous, vinous, malted, fermented, or other intoxicating liquors in this State; to prevent shipments into this State and delivery herein for unlawful purposes of said liquors from points or places without this State; also the delivery thereof to fictitious consignees or the giving of orders for such liquors to enable the person other than the consignee to obtain such liquors for himself, or others; to prevent the delivery of such liquors to others than the consignees without written orders or to minors; to require persons transporting and delivering such liquors to file certain statements with the probate judge in regard thereto, prescribing the duty of the probate judge in reference thereto, requiring parties transporting and delivering such liquors from without the State to keep certain records in reference thereto, and prescribing the persons that may have access to them; prohibiting banks, bankers and others from handling drafts, bills of exchange, or orders to pay money attached to which, or accompanying which are bills of lading, orders or receipts for such liquors, or other prohibited liquors and beverages; prescribing certain facts which shall constitute prima facie evidence that certain prohibited or defined liquors are received or kept or had in possession for sale contrary to law or other unlawful disposition thereof, restricting the quantity of liquors that may be received or had or possessed at one time or within the period of four consecutive weeks; prohibiting the division or breaking upon the premises of delivering carriers or persons of packages containing defined liquors and beverages; making it unlawful to induce any transporting agency, by concealment of the nature of the shipment to carry prohibited liquors and beverages from one point in the State to another point therein; regulating procedure and fixing punishment and penalties.

Be it enacted by the Legislature of Alabama:

Section 1. That, it shall be unlawful for any railroad company, express company, or other common carrier, or any officer, agent or employee or any of them, or any other person to ship or to transport into, or to deliver in this State in any manner, or by any means whatsoever, any spirituous, vinous, malted, fermented or other intoxicating liquors of any kind from any other state, territory or district of the United States, or place noncontiguous to, but subject to the jurisdiction of the United

States, or from any foreign country, to any person, firm or corporation within the territory of this State, when the said spirituous, vinous, malted, fermented or other intoxicating liquors, or any of them, are intended by any person interested therein to be received, possessed, sold, or in any manner used, either in the original package, or otherwise, in violation of any law of this State now in force, or in violation of any law that may be hereafter enacted in this State, or take effect therein.

Sec. 2. That, it shall be unlawful for any railroad company, express company, or any other common carrier, or any officer, agent or employee of any of them, or any other person, to deliver any liquors of the kind mentioned in section 1 of this act when brought into the State from any of the points or places mentioned in section 1 of this act, to any person whomsoever, where said liquor has been consigned to a fictitious person, firm or corporation, or to a person, firm or corporation under a fictitious name.

Sec. 3. That, it shall be unlawful for any person, firm or corporation to whom any such liquor mentioned in section 1 of this act has been consigned from any of the points or places mentioned in section 1 of this act, whether consigned to the party by the right name, or by a fictitious name, to give to any other person an order for such liquor to any railroad company, express company, or other common carrier, or any officer, agent or employee of any of them, or to any other person, where the purpose of such order is to enable such person to obtain or receive such liquors for himself, or for any other person, firm or corporation than the consignee.

Sec. 4. That, it shall be unlawful for any person, firm or corporation to accept from any railroad company, express company, or other common carrier, or any officer, agent or employee of any of them, or from any other person any delivery of the liquors mentioned in section 1 of this act, or any of them, when transported into this State, or delivered in this State in any manner, or by any means whatsoever from the points or places mentioned in section 1 of this act, where the said person, firm or corporation so accepting such delivery intends to receive, possess, or sell, or in any manner use either in original package or otherwise, the said liquors, or any of them, in violation of any law of this State now in force, or of this act or of any law that may be hereafter enacted in this State or take effect therein.

Sec. 5. That it shall be unlawful for any railroad company, express company, or other common carrier, or any officer, agent

or employee, of any of them, or any other person, to deliver any of the liquors mentioned in section 1 of this act, when brought into the State from any of the points or places mentioned in section 1 of this act, to any person other than the person to whom such liquors are consigned, without a written order in each instance by said consignee therefor; or to make such delivery of said liquors as aforesaid when consigned to a firm or corporation, except to a member of said firm, or an officer or agent of such corporation, or upon a written order in each instance by the consignee therefor.

Sec. 6. That it shall be the duty of every railroad company, express company, or other common carrier, and of every person, firm or corporation that shall carry or transport any of the liquors mentioned in section 1 of this act into this State from any of the points or places mentioned in section 1 of this act, and who shall deliver such liquors or any of them to any person, firm or corporation in this State, to file with the probate judge of the county in which said liquor is delivered, a statement either printed or plainly written, or typewritten on stout paper, correctly stating the date on which the liquor was delivered, the name and postoffice address of the consignee and consignor, the place of delivery, and to whom delivered, and the kind and amount of such liquor delivered, such statement to be filed within three days after the date of delivery of such liquor. If said statement is in writing, it shall be in a fair and legible hand, and the names of the consignee and consignor and of the party obtaining delivery shall be truly ascertained and furnished in such way as to avoid mistakes in names; but this section shall apply upon its enactment into law to all deliveries of liquors mentioned in section 1 at places and localities and within any territory in this State, where and within which it shall then be unlawful to sell, keep for sale or otherwise dispose of said liquors, and it shall become applicable to all deliveries of such liquors at other places and localities and within other territory when and as soon as it becomes unlawful to sell, keep for sale, or otherwise dispose of such liquors at such places or localities or within such territory. If any person, firm or corporation within the terms of this section shall neglect or refuse to file with the probate judge of the county as herein required, such statement or statements, then it shall be the duty of the probate judge to make written demand upon such person, firm or corporation to comply with the requirements of this section, such demand to be served by the sheriff and return made by him to the probate judge upon a copy of the original demand; and

upon further refusal or non-compliance, it shall be the duty of the probate judge to promptly inform the attorney general of the State of such failure or refusal, and it shall then be the duty of the attorney general, either himself to file, or to direct and secure some solicitor or prosecuting attorney whose duty it is to prosecute crime in the county, to file a suit in the name of the State on the relation of the officer filing same, in an appropriate court to secure a mandamus to compel the compliance with this section, or file a bill in equity for a mandatory injunction restraining the further non-compliance with this section on the part of the delinquent person, firm or corporation. Provided that the provisions of this section shall not require the filing of statements mentioned, in the probate judge's office, as to deliveries of liquors mentioned in section 1 of this act, in quantities not exceeding those mentioned respectively in sections 12 and 13 of this act, respectively.

Sec. 7. It shall be the duty of the probate judge to immediately file the statements required by the preceding section as a part of the files of his office, and (1) to permit any sheriff, deputy sheriff, constable, chief of police, or other police officer of a town or city, prosecuting attorney, or solicitor whose duty it is to prosecute crime in the county in which delivery is made, and any other peace officer of the county or officer charged with the duty of prosecuting violations of the law, to inspect the said statements as they may desire at any time the office of the said probate judge may be open, and especially to permit inspection thereof by any officer, or other duly authorized person seeking information for the prosecution of persons charged with, or suspected of crime, and especially of the crime of selling, giving away, bartering, keeping for sale, or otherwise disposing of liquors or any of them mentioned in section 1 of this act, or other liquors and beverages prohibited by the laws of the State to be sold, given away, kept for sale, or otherwise disposed of in such county, or in the State; and (2) to permit any and all other persons so desiring to inspect the said statements, to do so at any time the office of the probate judge may be open. It shall be the further duty of the probate judge to give a certified copy of such statements to any of said officers without charge or to other persons requesting or demanding the same upon the payment of lawful fees therefor, and the said original statements or certified copies thereof, shall be competent evidence upon the trial of any cause whatever in any of the courts of this State in which same may be relevant or material to the issue or issues involved.

Sec. 8. It shall be the duty of every railroad company, express company, or other common carrier, and of every person, firm, or corporation that shall carry or transport any of the liquors mentioned in section 1 of this act into the State from any of the points or places mentioned in section 1 of this act, for the purpose of delivery, and who shall deliver such liquors, or any of them, to any person, firm or corporation in this State, to currently keep in a fair and legible hand, or typewritten or otherwise, so that same may be easily read, a record of such liquors, and of the delivery thereof, which shall set forth the date on which such liquors were received and delivered, the name and the post-office address of the consignor and consignee, the place of delivery, and the person to whom delivered, and the kind and amount of such liquor delivered.

Sec. 9. That, the record hereinabove required to be kept by common carriers, or persons, firms or corporations making delivery of said liquors, or any of them in this State from any point or place mentioned in section 1 of this act, shall also be open to the inspection, (1) of the officers mentioned in section 7, and (2) of the duly authorized person seeking information for the prosecution of persons charged with or suspected of crime, and when application is made by any of the said officers or persons for permission to examine and take copies of such record, they shall be allowed to do so during the office or business hours of the persons or corporations keeping said record, and in such reasonable manner as not to interfere with the business of the corporation, or person keeping said record. The said record may be secured to be produced in court by any lawful process issued by any court of the State, or existing under the authority of the State, to be used as evidence, and said record shall be competent evidence, upon the trial of any causes whatsoever in any of the said courts, in which the record may be material or relevant to the issues involved.

Sec. 10. That, it shall be unlawful for any railroad company, express company, or other common carrier, or any person, agent, employee thereof, or any other person, to deliver to any minor in this State, any of the liquors mentioned in section 1 of this act, that may be brought into this State from any point or places mentioned in section 1 of this act.

Sec. 11. That, it shall be unlawful for any bank incorporated under the laws of this State, or national bank or private banker, or any individual, firm or association, to present, collect or in any way handle any draft, bill of exchange or order to pay money, to which draft, bill of exchange, order to pay money is

attached a bill of lading, or order, or receipt for any spirituous, vinous, malted, fermented or other intoxicating liquors of any kind, or any liquor, liquids, or beverages prohibited by the laws of this State to be manufactured or sold, or otherwise disposed of in this State, or which draft is enclosed with, connected with, or in any related to, directly or indirectly, any bill of lading, order or receipt for the said liquors in this section above mentioned, or any of them; and any person, firm, corporation, or bank, or banker violating the provisions of this act, shall be guilty of a misdemeanor; but this section shall apply upon its enactment into law to all acts of the kind prohibited by this section occurring at any place or localities and within any territory of this State where and within which it shall then be unlawful to sell, keep for sale, or otherwise dispose of said liquor, and it shall become applicable to all such prohibited acts at other places and localities and within other territory in this State, when and as soon as it shall become unlawful to sell, keep for sale, or otherwise dispose of such liquors at such places or localities or within such territory.

Sec. 12. That it shall be unlawful for any person, firm or corporation, (1) to receive or accept for delivery of, or to possess or to have in possession at any one time whether in one or more places, and whether in original packages or otherwise, more than one-half gallon of spirituous liquors, or more than two gallons of vinous liquors, or more than five gallons of malted liquors, when in kegs, or more than sixty pints in bottles, or more than one gallon of any other intoxicating or fermented liquors beyond those thus enumerated; or (2) to receive, accept delivery of, possess, or have in possession more than one gallon of spirituous liquors, or four gallons of vinous liquors, or more than ten gallons of malted liquor, including beer and ale, when in kegs, or one hundred and twenty pints in bottles, or more than two gallons of any other fermented or intoxicating liquors beyond those thus enumerated, within any four consecutive weeks, whether in one or more places, but this section shall not apply to the possession of wine or cordial made from grapes or other fruit grown and raised by the person making the same for his own domestic use, when such person keeps such wine or cordial for his own domestic use on his own premises; but this section shall apply upon its enactment into law to such receipt, or acceptance of deliveries, or possession of such liquors respectively, occurring at any place or locality or within any territory in this State, where and within which it shall then be unlawful to sell, keep for sale, or otherwise dispose of said

liquors, and it shall become applicable in respect to such receipt or acceptance of deliveries or possession of such liquors occurring at other places or localities, and within other territory in this State when and as soon as it shall become unlawful to sell, keep for sale, or otherwise dispose of such liquors at such places or localities or within such such territory; this section shall not affect or modify any existing law or any law enacted at this session of the Legislature in so far as it regulates the sale or keeping for sale of alcohol, or wine for a defined purpose, by wholesale or retail druggists.

Sec. 13. That any of the following facts shall constitute prima facie evidence that the liquors mentioned in the subdivisions of this section, respectively, are kept, or had in possession for sale, contrary to law, or for other unlawful disposition thereof, to-wit: (1) The possession of more than one-half gallon of spirituous liquors at any one time, whether in one or more places, or (2) The possession of more than two gallons of vinous liquors at any one time whether in one or more places, (3) The possession of more than five gallons of malted liquors, when in kegs, or more than sixty pints in bottles, at any one time, whether in one or more places. (4) The delivery to a person, firm or corporation, or any officer, agent or servant of any of them, of more than one gallon of spirituous liquors, or more than four gallons of vinous liquors, or of more than ten gallons of malted or fermented liquors including beer and ale, when in kegs or more than one hundred and twenty pints in bottles, within any four consecutive weeks, whether in one or more places. (5) The possession of more than two gallons of any intoxicating liquors other than those enumerated in the preceding subdivisions of this section, whether in one or more places; but this section shall not apply to the possession of wine or cordials made from grapes or other fruit grown and raised by the person making the same for his own domestic use, when such person keeps said wine or cordial for his own domestic use on his own premises, nor to alcohol or wine authorized by law to be sold by druggists for defined purposes. This section shall not repeal or modify any other statute of the State declaring what shall constitute the presumption of or prima facie evidence of guilt, of the violation of any law of the State for the promotion of temperance or for the suppression of the evils of intemperance, and this section is in addition to and supplemental to other statutes declaring such presumption or declaring such prima facie evidence of guilt. But this section shall apply upon its enactment into law to all possessions and deliveries of

liquors as hereinabove stated when occurring at any place or localities and within any territory of this State, where and within which it shall then be unlawful to sell, keep for sale, or otherwise dispose of said liquors, and it shall become applicable to such possessions and deliveries at other places and localities, and within other territory in this State, when and as soon as it shall become unlawful to sell, keep for sale, or otherwise dispose of such liquors at such place, or localities or within such territory.

Sec. 14. That, it shall be unlawful for any person to break open, or divide upon the premises of the delivering carrier or person, any original package or packages in which liquors mentioned in section 1 of this act are shipped from any of the points or places mentioned in section 1 of this act into this State, or for any express agent, freight agent, or other employee of any express company, railroad company, or any other transportation company, or for any person or corporation engaged in the business of transportation or transporting any of said liquors as aforesaid into this State, to allow any original package or packages in which such liquors are shipped, to be broken open or divided in any manner upon the premises of such company or carrier, or person making the delivery, under the supervision of such agent, servant or employee or otherwise.

Sec. 15. That, it shall be unlawful for any person, firm, or corporation to cause or induce any railroad company, express company, or other carrier, or any servant, agent or employee thereof, or any other person to carry, transport or ship from any one point or place in this State to another point or place in this State for delivery to himself or any other person in this State, any package, trunk or valise containing any liquors mentioned in section 1 of this act, or any other liquors, liquids or beverages prohibited by the laws of this State to be sold, or otherwise disposed of in this State, by failing to notify the carrier its servant or agent, or by failing to notify any other person who carries the same of the true nature and character of the shipment; and this section applies to a shipment made from a point in a State to another point in the State to which it is unlawful to transport such liquors or to which it may hereafter become unlawful to transport such liquors.

Sec. 16. That this act shall not repeal any law of the State directed against intra-state shipments of the liquors mentioned in section 1 of this act, or of other prohibited liquors and beverages, but this act is supplemental to the laws of the State in reference to intra-state shipments.

Sec. 17. That when a greater quantity than one quart of the liquors mentioned in section 1 of this act or of other prohibited liquors and beverages is received or had in possession in this State, in pint or half pint bottles, or receptacles, whether from within or without the State, this shall constitute prima facie evidence that such liquors are received for an unlawful purpose and that they are had in possession for sale, or for other unlawful disposition; and it is further enacted that a greater quantity than one quart of such liquors shall not be received or possessed at one time in pint or half pint bottles or receptacles, and a violation of this section shall be a misdemeanor, but this section shall not apply to beer or ale. But this section shall apply upon its enactment into law to all receipts or possessions of said liquors occurring at any place or localities or within any territory of this State where and within which it shall then be unlawful to sell, keep for sale or otherwise dispose of such liquors, and it shall become applicable to such possessions and deliveries at other places and localities, and within other territory in this State when and as soon as it shall become unlawful to sell, keep for sale, or otherwise dispose of such liquors at such place or localities, or within such territory.

Sec. 18. That, if for any reason any section, provision, clause or any part of this act shall be held to be unconstitutional or invalid, then that fact shall not affect or destroy the validity or constitutionality of any other section, provision, clause or part of this act, which is not in and of itself unconstitutional or invalid, and the remaining portion of the act shall be enforced without regard to the section, provision, clause or part so held to be invalid. This act shall be liberally construed so as to accomplish the purpose thereof, which is to further suppress the evils of intemperance, and to restrict the consumption of intoxicating liquors in this State, and to secure obedience to, and enforcement of the laws of this State for promotion of temperance and suppress all traffic in intoxicating liquors and beverages, and other prohibited liquors and beverages.

Sec. 19. That, this act shall be construed in harmony with all statutes of the United States relating to the transportation of the liquors mentioned in section 1 of this act into this State from points or places outside of the State mentioned in section 1 of this act, and other Federal statutes bearing upon interstate shipments of such liquors.

Sec. 20. That, in the prosecutions of violations of this act or any law for the suppression of evils of intemperance or the promotion of temperance, any common carrier doing business in

the State of Alabama, or any person engaged in transportation in the State, or making deliveries in this State of the liquors mentioned in section 1 of this act, or of other prohibited liquors and beverages, is required to permit an examination of all his books, records, papers, bills of lading, and accounts pertaining to the shipment of such liquors, by any officer in this State whose duty it is to prosecute crime, or ferret out criminals, when such information is sought for the prosecution of persons charged with, or suspected of crime.

Sec. 21. That no person shall be excused from testifying before the grand jury, or on the trial in any prosecution for any violation of this act, but no disclosure or discovery made by such person is to be used against him in any penal or criminal prosecution for and on account of the matters disclosed.

Sec. 22. That, in all prosecutions under this act for unlawful shipments of the liquors mentioned in section 1 of this act into this State, the offense shall be held to have been committed in any county of the State through which or into which said liquors have been carried or transported, or in which they have been unloaded, or to which they have been conveyed for delivery.

Sec. 23. That, any railroad company, express company, or other carrier, or any person or corporation violating any of the provisions of this act, or failing to comply with any requirements thereof, shall be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars, nor more than five hundred dollars, to which at the discretion of the court or judge trying the case, may be added imprisonment in the county jail, or confinement at hard labor for the county for not more than six months for the first conviction; and on the second and every subsequent conviction of a violation of any provision of this act, the offense shall in addition to a fine within the limitations above named, be punishable by imprisonment in the county jail, or at hard labor for the county for not less than three, nor more than six months, to be imposed by the court or judge trying the case; and it shall be the duty of the solicitor or prosecuting attorney in all cases of indictment by the grand jury to ascertain whether or not the charge made by the grand jury is the first or subsequent offense, and if the latter, it shall be so stated in the indictment and returned, and he shall introduce proper evidence before the trial court showing that it is a subsequent offense and shall not be permitted to use his discretion in charging said second offense or in introducing evidence and proving the same on the trial.

Sec. 24. That this act shall take effect from and after its final passage and enactment into law, the public welfare requiring it.

Passed by the House and Senate January 27th, 1915.

No. 11.)

(S. J. R. 47.)

Whereas, the Congress of the United States has passed an act approved by the President, May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act of Congress approved July 2, 1862, and acts supplementary thereto, and the United States department of agriculture," and

Whereas, it is provided in section 3 of the act aforesaid, that the grants of money authorized by this act shall be paid annually "To each State which shall by action of its Legislature assent to the provisions of this act," therefore

Be it resolved by the Senate, the House concurring, that the assent of the Legislature of the State of Alabama, be and is hereby given to the provisions and requirements of said act, and that the trustees of the Alabama Polytechnic Institute be and they are hereby authorized and empowered to receive the grants of money appropriated under said act, and to organize and conduct agricultural extension work which shall be carried on in connection with said Alabama Polytechnic Institute in accordance with the terms and conditions expressed in the act of Congress aforesaid.

Adopted by the Senate and concurred in by the House January 29, 1915.

No. 12.)

(Report of the Joint Committee on Rules.)

Resolved by the Legislature of Alabama:

1. That the Legislature remain in session until the end of the 20th legislative day, and that the two houses, on that day, take a recess, and reconvene July 13th, 1915, at 12 o'clock M.

2. That a special committee on judiciary, consisting of five members from the House, appointed by the speaker, and three

from the Senate, appointed by the President of the Senate, be appointed with instructions and directions to consider all questions concerning the judicial system of the State, organizations of the courts, circuits, districts, re-organization, consolidation of courts, jurisdiction, procedure, officers, terms, juries and jury commissioners, times of meeting, and such other matters as affect the administration of the laws. That this special committee also consider the question concerning workman's compensation acts, and all questions concerning constitutional amendments pending at time of recessing; and shall report by bill or bills, or otherwise, as to them shall appear best. That this committee is authorized to employ one clerk, who shall be an expert stenographer and typewriter.

3. That there be raised a special committee on finance and taxation, to be composed of eight members, five from the House of Representatives, to be appointed by the speaker of the House, and three from the Senate, to be appointed by the Lieutenant Governor, which committee shall sit during the recess, for the consideration of all questions of finance and taxation, and the raising of revenue of and for the State. The committee shall ascertain and report the cost of operating the several departments in the State government, and shall also report upon the present efficiency of the various departments, and their employees, and shall recommend such economies as, in the judgment of the committee can be put into effect without detriment to the public service. The said committee shall also prepare and report to the Legislature upon the reconvening of same, a complete revision of the system for raising revenue of the State by taxation, or otherwise and the findings of the committee shall be embodied in a bill to be submitted to the Legislature, which bill shall supplant and repeal all existing laws in regard to the raising of revenues for the State. The said committee shall also investigate the cost of the operation of the convict department, and its management, and report thereon to the Legislature by bill or otherwise. The said committee shall have authority to call to its assistance the heads of the various departments of the State government, and including the examiners of public accounts, who are directed to render to such committee all aid in their power when not conflicting with the performance of their public duties. The committee shall have authority to employ a clerk, who shall be a stenographer, and such expert and clerical assistance in addition to that herein provided for, as may be necessary to accomplish the purpose of this resolution, and pay the necessary traveling expenses of the members and clerks of the committee.

4. That each of committees shall be authorized to administer oaths, and send for persons and papers.

5. That the members of the committees and all clerks whom the committees are authorized to employ, shall receive four dollars per day while engaged on the work assigned such committee, and also receive the same mileage they receive for attending the Legislature, and also necessary traveling expenses. The chairman of each of said committees shall certify to the auditor what amount is due each member, or clerk, who must draw his warrant therefor on the State treasurer.

Passed by the Senate February 1st, 1915.

No. 14.)

H. 63.

AN ACT

To authorize women to serve on boards of education of counties, and cities and towns.

Be it enacted by the Legislature of Alabama:

1. That on and after the passage of this bill women shall be eligible to serve on the boards of education of incorporated cities and towns and on county boards of education.

2. All laws and parts of laws, local, general or special in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 1, 1915.

No. 17.)

(S. J. R. 57.

Be it resolved by the Senate, the House of Representatives concurring:

That the Senators and Representatives of Alabama, in the Congress of the United States, are hereby memorialized and requested to do all within their power to secure the immediate passage of the administration bill to secure ships for transportation of American products to the markets of the world. Our cotton is the greatest sufferer from want of transportation. We urge prompt action by our senators and representatives.

Passed by the Senate and concurred in by the House February 3, 1915.

No. 27.)

(H. 117.

AN ACT

To amend section 3510 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That section 3510 of the Code be amended so as to read as follows: 3510. How to dissolve a corporation. Whenever the holders of all the capital stock of any corporation shall desire to dissolve the corporation, they may do so by an agreement to that end signed by all the stockholders, and acknowledged or proved by the president of the corporation as in case of deed to real estate, and filed and recorded in the office of the probate judge of the county where the corporation was organized, the corporation shall be dissolved and the board of directors shall proceed to settle up and adjust its business and affairs.

Approved February 9, 1915.

No. 29.)

(H. 166.

AN ACT

To amend an act entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office, to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government," approved April 6, 1911.

Be it Enacted by the Legislature of Alabama: That an act, entitled "An Act to provide and create a commission form of municipal government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of commissioners and their terms of office and recall from office; to fix their powers, duties and compensation; to punish improper conduct in connection with

elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials; and otherwise provided for the creation and maintenance of said commission form of government," approved April 6, 1911, be amended so as to read as follows:

Be it Enacted by the Legislature of Alabama:

Section 1. All cities of the State of Alabama which have a population of as many as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or which shall hereafter have such population according to any census that may be taken hereafter, shall become organized under the commission form of government, according to the terms of this act, and shall be known as cities of Class "C."

Sec. 2. In all cities of the State of Alabama which have such population, according to the last Federal census, the Governor is authorized, during the year 1911, and required to appoint four persons, to hold office as commissioners of said city, who shall hold office from the second Monday in April, 1911, until the first Monday in October, 1915, and until their successors shall be elected and shall qualify as hereinafter provided, but after the expiration of the terms of the first commissioners, i. e., the first Monday in October, 1915, there shall be but three commissioners for any such city. The term of office of each member of the board, including the president of commissioners, after the expiration of the term hereinbefore provided, shall be four years, and until their successors shall be elected and shall qualify as hereinafter provided. The mayor, or chief executive of every such city, shall be and become on the second Monday in April, 1911, as provided herein, the president of the board of commissioners of such city, and shall hold office until the first Monday in October, 1915. It is the intention of this section that the commissioners appointed by the Governor in 1911, to take office on the second Monday in April, 1911, shall hold office until the first Monday in October, 1915, and that the board of commissioners of any such city shall thereafter consist of only three members, who shall be elected by the voters of such city on the third Monday in September, 1915, and every four years thereafter.

Sec. 3. The provisions of this act shall apply to and become operative in all cities not now having but which shall hereafter have a population of as many as twenty-five thousand people, according to any Federal census that may be taken hereafter, and election may be called and such cities may become organized under this act in the same manner, as cities

having the required population at the time of the passage of this act.

Sec. 4. The president and the commissioners provided for in this act shall be known collectively as the "Board of Commissioners of the City of....." (name of city to be inserted), and shall be the members of the board of commissioners, and it shall have the powers and duties hereinafter provided. The first commissioners appointed under the provisions of this act shall qualify for office in the manner prescribed by this act, and shall take office on the second Monday in April, 1911. As soon as they have qualified for office in any such city, then such city shall at that time and thereby be and become organized under the commission form of government provided by this act, and said commissioners provided for by this act shall forthwith take office and enter upon their duties.

Sec. 5. The president of the board of commissioners and commissioners of such city, to be known as the board of commissioners of said city, as provided, shall be municipal officers only, and shall have, and possess and exercise, only the municipal powers, legislative, executive and judicial possessed and exercised by the mayor and board of aldermen, and any and all other boards, commission and officers of such city of any and of every sort whatsoever, except the powers conferred on the county board of health, and on the board of public safety, hereinafter created, in so far as they apply to said city, by State law, or by existing ordinances enacted by said city, except whatsoever power they may possess, expressly or impliedly as State officers, or such powers that are expressly or impliedly given by this act; and all such boards, commissions and officers, except those provided for by this act, shall then and there be abolished, and the terms of office of any and all such officers or officials shall then and thereby cease. Said board of commissioners shall not have, possess or exercise any legislative, executive, judicial or administrative powers of the State or county, except when acting as a recorder, and then only as a committing magistrate, nor shall the offices held by them be State offices, except herein provided; such city shall continue its existence as a body corporate under the name of "City of....." (inserting name of said city). It shall continue to be subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal corporation not inconsistent with the provisions of this act, and shall continue to enjoy all the rights, immunities, powers, priv-

ileges and franchises then enjoyed by it, as well as those that may thereafter be granted to it, not inconsistent with the provisions of this act. All laws governing such city, and not inconsistent with the provisions of this act, shall apply to and govern said city after it shall become organized under the commission form of government provided by this act. All laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization not inconsistent with the provisions of this act, shall remain in force until altered or repealed, according to the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city; and no right or liability either in favor of it or against it and no suit or prosecution of any kind shall be affected by such change, unless otherwise expressly provided for by the terms of this act. All employees of said city and all officials except those whose terms of office are abolished by this act shall continue in office until otherwise provided by said board of commissioners or the board of public safety of said city, provided that this withdrawal or transfer of powers shall not apply to the powers conferred on the county board of health in so far as they apply to said city, by State law or by existing city ordinances, nor shall they apply to the appointment of health officers for a city, nor to persons employed by such health officer to enforce quarantine under ordinances in force in the city.

Sec. 5 $\frac{1}{2}$. In cities having population of twenty-five thousand and less than fifty thousand, the management and control of the public schools therein shall be vested in a board of education, which shall be composed of five members, who shall serve without compensation, and shall be qualified electors and residents of the respective cities, and who shall not be members of the board of commissioners. At the first regular meeting of the board of commissioners after organization, or as soon thereafter as may be practicable, at any regular meeting, the board of commissioners shall elect the members of the board of education, whose term of office, respectively, shall be one, two, three, four and five years. Annually thereafter, at the first regular meeting in April or as soon thereafter as may be practicable, at any regular meeting, the board of commissioners shall elect a member of the board of education, whose term of office, shall be five years, to succeed the member of the board

of education whose term expires that year. In the event of a vacancy in the membership of the board of education, by resignation or otherwise, the fact shall be reported to the board of commissioners, by the board, and the board of commissioners shall elect a person to fill such a vacancy for the unexpired term. At its first regular meeting in May, after the election of said board of education, or as soon thereafter as practicable and annually thereafter, the board of education shall elect from its membership a president and vice-president. It shall also elect a clerk, who need not be a member of the board of education and may fix his compensation. The vice-president shall perform the duties of the president only when the president may be absent or unable to perform his duties. The board of education may fill any vacancy in any of the offices mentioned in this section. All property, real and personal and mixed, now held or hereafter acquired for school purposes, shall be held in trust for the use of the public schools of the city or town and no sale or purchase of real estate shall be made by any other than the board of education of such city or town. The board of education shall have full and exclusive power, within the limits of the revenue appropriated for such purpose, or accruing to the use of the public schools, to purchase fixtures, furniture, apparatus, libraries, fuel and supplies for the use of the schools, and to sell the same, and to make expenditures for the maintenance and repair of the school grounds, buildings, and other property, to purchase sites and to establish and build new schools when such sites have been provided by the board of education and to superintend the erection thereof; to make additions, alterations and repairs to the buildings and property devoted to school uses, and to make necessary and proper regulations, contracts and agreements in relation to such matters. All such contracts shall inure to the benefit of the public schools and in a suit at law or in equity, brought upon them and for the recovery and protection of money and property, belonging to and used by the public schools, or for damages, shall be brought by and in the name of the city. Each year the board of education shall make an estimate, in detail, of the amount of money required for the proper support and maintenance of the public schools during the next scholastic year, which shall be submitted to the board of commissioners, and the board of commissioners shall make annual appropriations for the support and maintenance of the schools that it may deem necessary and proper, in view of all other needs of the government of the city, and of the expected

revenues from taxes and otherwise. Money so appropriated, and all money received from the school fund of the State, poll taxes and the sale of school property, and the sale of bonds for school purposes, and from any other source whatever, for school purposes, shall be held by the treasurer of the city, as a special fund or funds for school purposes, and it shall be paid out by him on warrants drawn by the clerk of the board, and countersigned by the president, or vice-president, when acting as president of the board of education, and by the clerk of the city, and not otherwise. And no warrants shall be drawn unless in pursuance of a resolution of the board of education, entered upon its minutes. The board of education shall have full control of the public school of the city or town. It shall have power to establish schools, to discontinue any school, to consolidate schools; to prescribe courses of study and books to be used, not in conflict with the general law in reference to text-books, to divide the city into school divisions as circumstances may require, to employ teachers and a superintendent of schools, and necessary employees, and to fix their salaries and wages, to establish and maintain high schools and prescribe rules, for the expulsion of pupils, to expel any pupil guilty of gross disobedience or willful misconduct; to dismiss any superintendent, teacher, or employee, when in its opinion the interests of the school require it, and generally to have and exercise all rights, powers and authority required for the management of a system of public schools. To designate amount to be paid by non-residents of the districts whether owners of property or not, who desire their children to be enrolled; provided, that wherever a non-resident of any such city owns property in any such city which has an assessed valuation of \$500.00, then the child or children of such non-resident shall not pay more for the enrollment or attendance at the public schools in any such city than the child or children of a resident, and the board of education of any such city shall not have any power to designate an amount to be paid by a non-resident contrary to this provision. It shall be the duty of the board of education to examine or cause to be examined all persons at times and places fixed by it, offering as candidates for teachers' places, and when found qualified to give them certificates of qualification, gratuitously, to grant diplomas without charge to graduates of the high schools, to visit all schools as often as once a month, to establish and uniformly enforce proper rules and regulations, to enquire into the performance of their duties by the teachers and superintendent, and into the

progress of the pupils, and to prepare and submit to the board of commissioners an annual report showing the operation of the schools for the past scholastic year and suggesting their needs for the future. It shall be the duty of the board of education to elect a superintendent of schools, fix his term of office and salary, prescribe his powers and duties. The superintendent shall be required to give bond for the faithful performance of his duties which shall be payable to said city in the sum to be fixed by the board, not less than three thousand dollars, with surety or sureties to be approved by the president of the board, the bond to be filed with the clerk of the city or town. The superintendent may be elected clerk of the board of education, and if so elected his bond shall stand as security for the faithful performance of his duties as clerk as well as superintendent however conditioned. It shall be the duty of the clerk of the board of education to keep full and correct detail account of all money received and expended. The superintendent shall attend to the taking of the school census, which shall be taken in the month of April, of each year, and it shall be his duty to make complete and accurate reports of the same to the superintendent of education of the State. Each incorporated city or town as a special district or embraced therein, shall receive its proportionate share of the public school revenue, to be paid over by the State superintendent of education direct to the city superintendent of schools, and by him paid over to the city treasurer.

Sec. 6. Every city organized under the form of government provided for by this act, shall be governed and managed by the board of commissioners provided for herein, except as otherwise provided herein. Each and every officer and employee of said city except the board of public safety, policemen, firemen and others holding under the board of public safety and the health officer and such persons as may be employed by him to enforce quarantine, and such other officers and employees as are designated in this act shall be selected and employed by the said board of commissioners, under its direction, and all salaries and wages paid by said city except as otherwise provided by the terms of this act, shall be fixed by said board of commissioners. Where not otherwise provided in this act, the commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the title of city health officer and those holding under the board of public safety, all of whom, except those herein otherwise specified, shall hold office and

be removable at the pleasure of the board of commissioners, except the board of public safety, members of the police and fire departments, and except such other employees whose employment, term of office, removal and the prescription of whose duties are otherwise provided for in this act. The powers and duties of the board of commissioners in such cities shall be distributed into and among three departments, as follows: (1) Department of public affairs; (2) department of finance; (3) department of public works. The powers and duties pertaining to each of said departments shall be fixed by the said board of commissioners, and altered from time to time as they may deem best, and the departments of police and fire shall be under the board of public safety, as herein provided.

Sec. 7. Said board of commissioners shall hold regular public meetings on Tuesday of each and every week at some regular hour to be fixed by said board from time to time, and publicly announced by it, and it may hold such adjourned, called and other meetings as may be necessary or convenient. The president of the board, when present, shall preside at all meetings of said board, but shall have no veto power. A majority of the total number of members of said board shall constitute a quorum for the transaction of any and every business to be done by said board, and for the exercise of any and every power conferred upon it; and the affirmative vote of a majority of the total number of members of said board shall be necessary and sufficient for the passage of any resolution by law or ordinance, for the transaction of any business of any sort by said board or the exercise of any of the powers conferred upon it by the terms of this act or that may be hereafter conferred upon it, by this act. This provision shall not be construed, however, so as to prevent the said board from delegating or assigning to one or more of its members, or to such boards, commissions, officers or employees as may be created or selected by it, the performance of such executive or judicial duties, and powers that are by this act vested in such board of commissioners, as may be necessary or convenient, provided the same is done by resolution, by law or ordinance duly enacted according to the terms of this act, where not otherwise provided, provided the said board shall not have any power or authority that conflicts with the power and authority of the board of public safety. All meetings of said board of commissioners shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, en-

acting any regulations, concerning the public comfort, the public safety or public health or of any other general or permanent nature, shall be enacted, except at a regular or adjourned public meeting of said board, provided that a meeting of the board of commissioners of the city of.....may be called at any time to consider and act upon an emergency that involves the public safety or public health, when not otherwise herein provided. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken and the yeas and nays thereon shall be recorded, a record of the proceedings of every such meeting shall be kept in a well bound book and every resolution and ordinance passed by the board of commissioners must be recorded in such book and a record of the proceedings of the meeting be signed by at least two of the commissioners before the action taken shall be effective, such record shall be kept available for inspection by all citizens of such city, at all reasonable times.

Sec. 8. No resolution, by-law or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of any city organized under the provisions of this act, either in, under, upon, along, through or over same shall take effect and be in force until thirty days after the final enactment of same by the board of commissioners, and publication of said resolution, by-law or ordinance in full once a week for three consecutive weeks, in some daily newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution, by-law or ordinance, or during the time intervening between the final passage and the expiration of the thirty days during which publication shall be made, as above provided, the legally qualified voters of said city may, by written petition or petitions, addressed to said board of commissioners, object to such grant, and if, during said period, such written petition or petitions signed by at least a thousand legally qualified voters of such city shall be filed with said board of commissioners, said board shall forthwith order an election at which election the legally qualified voters of said city shall vote for or against the proposed grant, as set forth in the said by-law, resolution or ordinance. In the call for said election, the said resolution, by-law or ordinance, making said grant, shall be published in said city, by one publication. If at such election, the majority of the votes

cast shall be in favor of said ordinance, and the making of the said proposed grant, the same shall thereupon become effective, but if a majority of the votes so cast shall be against the passage of the said resolution, by-law or ordinance and against the making of said grant, the said by-law, resolution or ordinance shall not become effective, nor shall it confer any rights, powers or privileges of any kind, and it shall be the duty of the said the board of commissioners, after such result of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise, or lease, or right of user, or any other right, in, under, upon, along, through or over the streets, public highways, thoroughfares or public property of any such city shall be made or given nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by resolution or ordinance, duly passed by the board of commissioners, at some regular or adjourned public meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given, except in the manner and subject to all the conditions, herein provided for, as to the original grant of same. It is expressly provided, however, that the provisions of this section shall not apply to the grant of side tracks or switching privileges to any railroad, or street car company for the purpose of reaching and affording railway connections and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further that said side track or switch shall not extend for a greater distance than one thousand three hundred and twenty (1,320) feet. All franchises or privileges heretofore granted, which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise at the time of the adoption of this act, are hereby declared forfeited and of no validity and it shall be the duty of the commission to carry out the provisions of this section by the enactment of ordinances repealing said franchises, provided this section shall not apply to any franchise in which the ordinance granting the same shall have fixed a time within which work shall commence or be completed thereunder, and such time shall not have expired at the time of the adoption of this act. No exclusive franchise shall ever be granted, and no franchise shall ever be granted for a longer term than thirty years, and no franchise shall be renewed before one and one-half years of its expiration. When any person or corporation holding a franchise for the location, construction or operation of a rail-

road over a portion of any street, and said franchise has not expired, shall subsequently apply for a franchise to locate, construct or operate a railroad on any portion of the same street or upon any other street in connection therewith, said second franchise shall only be granted for the unexpired term of first franchise. No such grant, right, privilege or franchise shall ever be made to any person, firm, corporation or association unless it provides for adequate compensation or consideration therefor to be paid to such city, and in addition to any other form of compensation, any such grantee shall pay annually such fixed charge as may be prescribed in the franchise ordinance. Whenever any such grant, right, privilege or franchise provides for the payment of a per cent of the gross receipts, such grantee shall make and report to the commission all its gross earnings once in six months, and pay into the treasury the amounts due such city at the time said report is made. Said commission shall also have access to and the right to examine all books, receipts, files, records and documents of any such grantees to verify the correctness of such semi-annual statements and to correct the same if found to be erroneous. If such statement of earnings be incorrect, then such payment shall be made upon such corrected statement. Every ordinance granting any franchise may provide that at the expiration of the period for which the franchise was granted, or at any time before, as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself, the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and the property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any com-

pensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance. No franchise granted by the city shall ever be leased, assigned or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to operate as such consent. Where the municipality is the owner of and operates a public utility plant, no franchise shall be granted to any person or corporation to operate any competitive plant unless approved first by a vote of the majority of the qualified electors of such municipality, at an election held in accordance with the provisions of this act.

Sec. 8½. That for the advancement of the interest of the city the commissioners may make expenditures for the advertisement of the advantages of the locality and may make contributions together with its commercial organization for that purpose.

Sec. 9. In every city which shall become organized according to the provisions of this act, an initial election shall be held on the third Monday in September, 1915, and when no majority is secured, then an election shall be had as provided in section 10 of this act, and on the third Monday in September of every succeeding fourth year for the election of three commissioners, and of the three commissioners elected, that one who received the highest number of votes at the initial election shall be president of the commission, and shall have all the powers of the president herein provided for in this act. The commissioners then elected shall hold office for the term of four years from the first Monday in October, 1915, and until their successors are elected and shall qualify for office. Any person desiring to become a candidate at any election, except those by the commission, which may be held according to the terms of this act for the office of commissioner to be elected, may become such candidate by filing in the office of the judge of probate of the county in which said city is situated, a statement of such candidacy, accompanied by affidavit, taken and certified by said judge of probate, or by a notary public, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty-one days before the day set for such election, and shall be substantially in the following form: State of Alabama, County. I,, the undersigned being duly

sworn, depose and say that I am a citizen of the city ofin said State and county and reside atin said city. That I desire to become a candidate for the office ofin the said city for the term ofyears, at the election for said office to be held on theday of, next; that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed on the official ballot of said election. (Signed)..... Subscribed and sworn to before me by saidon thisday of, 19....., and filed in this office for record on said day., judge of probate, or notary public as the case may be. Said statement shall be accompanied by a petition signed by at least one hundred persons, who shall be qualified to vote at said coming election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full, and their residence addresses and said petition shall be substantially like the following form: We, the undersigned duly qualified electors of the City ofand residing at the places set opposite our respective names, do hereby request that the name ofbe placed on the official ballot as a candidate for the office ofin said city for the term ofyears, at the election to be held in this city on theday of, next. We further state that we know saidto possess the qualifications necessary for said office, and to be in our judgment a fit and proper person to hold the said office. Witness our hands on this theday of At every such election all ballots to be used by the voters shall be printed and prepared by the said city, and at its expense, and shall contain the names of all the candidates, placed in alphabetical order, directly underneath the words: "For Commissioners for the term of" "Vote for" (Inserting number of commissioners to be elected.) No name shall appear upon the ballot as a candidate for election except the names of such persons as have become candidates according to the provisions as above set forth. And no ballots shall be used at any such election except the official ballot prepared by the city. The inspectors, clerks, and other officers at every such election shall be appointed by the board of public safety of any such city. Except as otherwise provided in this act, the election for members of the board of commissioners of

any such city shall be held and conducted in the same manner and under the same conditions as provided by law for municipal elections in cities and towns of this State, as provided in Art. 8, Chap. 32, of the Code of Alabama, 1907.

Sec. 10. At every election each voter shall vote for one candidate for each office to be filled and no ballot shall be counted which fails to comply with this requirement, and the candidates receiving the highest number of votes for such office shall be elected thereto, provided he receives a majority of all the votes cast for such office. In case no one or more of such candidates shall receive a majority of all such votes cast for the office for which he is a candidate another election shall be held on the same day of the following week for said office, at which not more than twice the number of candidates for the several offices to be filled shall be voted for, being those who received the highest number of votes in said election. The candidate receiving the highest number of votes at such election shall be declared elected.

Sec. 11. No person shall be eligible to the office of president or member of the board of commissioners of any such city who is under the age of twenty-five years, or who is not duly qualified to vote in said city, or who shall, either by election or appointment, have held the office of president or member of the board of commissioners of any such city, three consecutive years, within the four years immediately preceding the date of the election for members of the board of commissioners. In case any person after he shall have been elected and duly qualified as such commissioner shall be declared ineligible, to hold such office, a successor shall be chosen as in case of a vacancy by death, resignation or any other cause.

Sec. 12. Every person who shall be elected to the office of commissioner in any city organized according to the provisions of this act, shall on or before the first Monday of the month succeeding his election, qualify by making oath that he is eligible for said office, and will execute the duties of the same according to the best of his knowledge and ability. Said oath shall be administered by the retiring mayor or president of the board of commissioners of such city, or by a notary public. The term of office of every said commissioner shall begin on the first Monday of October succeeding the election, except as may be otherwise expressly provided by this act. Each commissioner shall before entering upon the duties of this office, give a good and sufficient bond, which may be executed by a bonding company authorized to do business in Alabama, payable to and for the

use and benefit of any such city, in the sum of five thousand dollars, conditioned for the faithful discharge of his duties, and that he will save such city harmless from all loss caused by his neglect of duty or misfeasance in office or for the willful expenditure of any moneys of such city, in violation of law, and said bond before being accepted, shall be approved by the judge of probate in and for the county wherein such city is situated. The premiums on said bond shall be paid out of the city treasury. No member of the commission nor any person holding an office of profit under them, shall hold any office of profit or trust under the laws of any State or the United States, or hold any county or other city office; nor shall the commission or any commissioner ever be elected or appointed to any office created by or the compensation of which was increased or fixed by the commission, while he was a member thereof, within two years therefrom.

Sec. 13. The qualified voters of any city organized according to the terms of this act, may at any time file with the board of commissioners of such city, at any regular meeting of said board, a petition or petitions asking for the resignation of any commissioner of said city. Such petition shall contain a general statement of its object and each signer shall add, after his signature and opposite thereto his residence address. In case such petition shall be signed by at least one thousand voters, duly qualified to vote for a successor to said office, and said officer shall not on or before the next regular meeting of said board resign from office, then said board at such meeting, shall order an election to be held not less than thirty days or more than forty days from the date of said meeting, at which election a successor to such officer to hold office for his unexpired term, shall be voted for. At such election the person sought to be removed from office shall be a candidate to succeed himself and his name shall be placed upon the official ballot without any affirmative action on his part. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in said city. The person who shall be elected to such office shall hold same for the unexpired term thereof, and if the person so elected be the incumbent whose removal has been requested, then he shall continue in office as though such petition had not been filed or such election held.

Sec. 13½. No ordinance passed by the commission, except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immedi-

ate preservation of the public health or safety, which contains a statement of its urgency and is passed by a unanimous vote of the commission shall go into effect before ten days from the time of the final passage, and if during said ten days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast at the last general municipal election held in said city protesting against the passage of said ordinance, be presented to the commission, the same shall thereupon be suspended from going into operation, and it shall be the duty of the commission to reconsider such ordinance, and if the same is not entirely repealed, the commission shall submit the ordinance to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition and election shall be in all respects in accordance with the provision of section 13, except as to the percentage of signers, and be examined and certified to by the clerk in all respects as therein provided. Said board of commissioners shall have the exclusive right to regulate or permit within the police jurisdiction of any such city the playing of any game or amusement on Sunday, and any law in conflict with this provision, in so far as same relates to any city of this class, is hereby repealed.

Sec. 14. Whenever any vacancy shall occur in the office of the president of the board or other commissioner of any city organized under the terms of this act, then his successor shall be appointed by the Governor. Every person who shall be appointed to the office of president of the board or other commissioner of such city, under the provisions of this section, or of the preceding sections, shall qualify for office, as soon as practicable, after such appointment and shall be clothed with the duties and responsibilities and powers of such office immediately upon such qualification. He shall hold office for the unexpired term of his predecessor.

Sec. 15. Until the first Monday in October, 1915, the salary of the president of the commission shall be forty-five hundred dollars per annum, payable in monthly installments at the end of every calendar month out of the city treasury. After the first Monday in October, 1915, the salary of the president of the commission shall be \$3,000.00 per annum, payable in monthly installments of \$250.00 at the end of every calendar month, out of the city treasury. The salary of each of the other commis-

sioners shall be \$3,000.00 per annum each, and shall be paid out of the city treasury, in monthly installments of \$250.00 at the end of each calendar month, provided, that absence for forty consecutive days of any commissioner from the county in which any such city is situated, shall vacate his office, and the judge of probate of such county shall certify the vacancy to the Governor.

Sec. 16. The employees of cities organized under this act, shall, except as herein otherwise provided, be elected by the commissioners solely on account of their fitness, and without regard to their political affiliations. It shall be unlawful to hold party caucuses or primaries for the purpose of nominating any commissioner or any officer or employee of such city and any person who shall solicit or accept a party nomination for said offices shall be thereby rendered ineligible for such office or any other office under said city for a period of one year thereafter.

Sec. 17. It shall be unlawful for any candidate for office or any officer in such city directly or indirectly to give or promise any person or persons any office, position, employment, benefit, or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons. Every commissioner elected by popular vote in any such city shall, within thirty days after qualifying, file with the judge of probate of the county and the same shall be published at least once in a newspaper of general circulation in such city, his sworn itemized statement of all his election and campaigning expenses and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor, punishable by a fine of not more than three hundred dollars and be a ground for removal from office.

Sec. 18. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work or material, for the profits thereof, or services to be furnished or performed for the city; and no such officer or employee shall be interested, directly or indirectly, in any contract for work or materials or the profits thereof or services to be furnished or performed for any person, firm, or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line, or telephone exchange, within the territorial limits of said city. No such commissioner or other official of such city shall be interested in, or any employee or attorney of any corporation operating any public service utility hereinabove mentioned and

described in this section within said city. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation, operating within the territorial limits of said city, any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor to policemen in the discharge of their duty, nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section. Any officer or employee of such city, who by solicitation or otherwise shall exert his influence, directly or indirectly, to influence other officers or employees of such city to favor any particular person or candidate for office of commissioner of said city or who shall in any manner contribute money, labor, or other valuable thing to aid in the election of any person as commissioner of said city shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding three hundred dollars and may also be imprisoned in the county jail for a term not exceeding thirty days.

Sec. 18½. That all police officers and policemen, all officers of the fire department and firemen in any city organized under the provisions of this act who shall have honorably served in and been a member of the police or fire department of any such city, or of the municipal organization, for twenty years continuously, which such city has immediately succeeded, and who shall have attained the age of fifty years, shall upon his application in writing to the commission of such city, be relieved and retired from active service in such police department or fire department, upon half pay, that is to say, said policeman or fireman upon being so retired, shall receive and be paid for and during his natural life an amount of money equal to one-half the salary or pay which such policeman or fireman was re-

ceiving at the time of making such application, the same to be paid monthly out of any funds that may be in the treasury of such city, not otherwise appropriated, provided, that the amount to be paid to any one employee hereunder shall not exceed forty dollars per month. That any officer or policeman or fireman in any such city who shall have become permanently disabled, by reason of any injury received while in the service as a member of said police or fire department, shall, upon his application in writing to the board of commissioners be relieved and retired from active service in said police or fire departments upon half pay, that is to say such fireman or policeman, upon being so retired, shall receive each month an amount of money equal to one-half the salary or pay which such fireman or policeman was receiving at the time of receiving such injury while in the discharge of his duties as an officer, the same to be paid, monthly, out of any funds in the city treasury. The board of commissioners shall determine and pass upon whether such disability complained of is permanent or not, and to this end shall receive any evidence in testimony offered by such applicant and may hear and consider any other testimony or evidence which the said commission or other body shall cause to come before it; and shall render judgment in said cause, which shall be kept in the minutes of the proceedings of such commission, whenever it shall come to the knowledge of such commission that any fireman or policeman whom they had adjudged to be permanently disabled has recovered from such disability, so as to enable him to earn a livelihood, then the commission may reconsider its former action and withdraw from such fireman or policeman for the future, the aforesaid half pay. Provided further, that the monthly payment to any fireman or policeman on account of permanent disability as provided in this section shall not exceed as to any one such fireman or policeman, the sum of forty dollars per month. The board of commissioners is authorized to make all necessary or proper rules and regulations effectuating the intention of this section. Any officer or policeman who shall avail himself of the provisions of this section, shall nevertheless remain members of said police department and while relieved of regular duty shall constitute a reserve of said police department, and be at all times subject to the performance of any duty that may be required by the governing body of said city; provided that no such fireman or policeman who possesses independent means of livelihood shall come within the provisions of this section.

Sec. 19. The commission shall each month print in pamphlet form a detailed statement of all receipts and expenses of

the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspaper of the city and to persons who apply therefor. At the end of each year the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures. And the Governor is authorized at any time to have all the books and accounts of such city examined by State examiner of public accounts, the cost of such examination to be paid by such city, upon the presentation to the president of the board of commissioners of such city of a duly verified statement of such expenses made by such examiner of public accounts, approved by the Governor.

Sec. 20. Any person offering to give a bribe, either in money or other consideration, to any voter for the purpose of influencing his vote at any election provided for in this act, or any voter entitled to vote at such election, receiving and accepting such bribe or other consideration, any person making false answer to any of the provisions of this act relative to his qualifications to vote at said election (any election), any person willfully voting or offering to vote at such election who has not been a resident of this State for two years next preceding such election, or who is not twenty-one years of age or not a citizen of the United States, or knowing himself not to be a qualified voter of such precinct, where he offers to vote, any person knowingly procuring, aiding or abetting any violations thereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned in the county jail for not less than ten nor more than ninety days.

Sec. 21. Any employee of any such city who solicits support for any candidate for commissioner or any such employee who shall endeavor to influence any voter to vote for or against any candidate for commissioner, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars, and may also be imprisoned in the county jail for not more than ten days. Justices of the peace and judges of the inferior courts shall, within their respective territories, have jurisdiction of this offense, and any person convicted of violating the provisions of this section, shall be ineligible to hold office or employment under such city for two years succeeding such conviction.

Sec. 21½. The board of commissioners shall not elect a re-

corder in any such city, and the office of recorder therein as a separate office is hereby abolished, nor shall they pay for the services of any person as recorder, but the said board of commissioners shall designate one of their number to act without compensation as recorder, which designation may be changed from time to time, and any of the commissioners may alternate in the performance of the duties of recorder, and when said commissioner is acting as recorder, he shall have the powers and jurisdiction conferred by law upon recorders by the laws of Alabama. No fines, penalties or other final punishment fixed by such recorder shall be set aside except with the consent and sanction of two of the commissioners in writing, setting forth the reasons for such action. The commission shall keep a record of such remissions in a well-bound book, which shall be open to the public inspection.

Sec. 22. All general laws of this State regulating and prescribing the conduct of municipal elections, and the qualifications and registration of voters thereat, shall apply to elections hereinunder, except so far as expressly modified herein.

Sec. 23. The judge of probate of the county in which are located the cities covered by this act shall record in a well-bound book kept for that purpose all papers required to be filed with him under the terms of this act, and shall receive therefor the compensation allowed by law for recording deeds.

Sec. 24. It shall be unlawful for any candidate for commissioner, or for any other person in his behalf, to hire, or pay, or agree to pay, any person to solicit votes at the polls on election, and unlawful for any person to accept such hire, or make such contract for pay to solicit votes for commissioner; and any person violating this section shall be guilty of a misdemeanor, and may be punished by a fine not to exceed five hundred dollars for each offense, and the candidate violating this section shall thereby be disqualified for and rendered ineligible to the office sought.

Sec. 25. No candidate for the office of commissioner can lawfully expend more than one thousand dollars of his own funds, and of funds contributed by others in aiding his candidacy in any one election. Any person violating the provision of this section shall thereby be disqualified from holding said office, if successful, and his election may be contested on that ground. No person but a qualified voter shall sign any petition authorized by this act. All petitions must contain the certificate of the probate judge as to the requisite number of voters required and it shall be the duty of the probate judge of the county

to ascertain that such petition does contain the requisite number of voters and attach his certificate to such petition. The probate judge shall receive as compensation for such service ten cents for each name up to and including one hundred and two (2) cents for each name over that number which said petition may contain. Security for the payment of such cost to be approved by the probate judge must be given at the time of the presentation of the petition by the person or persons filing the same.

Sec. 26. The petitions provided by this act may be by a number of separate instruments as well as by one instrument. No person but a qualified voter shall sign any petition provided by this act. And no person shall sign the name of another to any such petition whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this section shall constitute a misdemeanor punishable by fine not to exceed three hundred dollars. No qualified voter who has signed any petition provided for herein can withdraw his signature.

Sec. 27. There is hereby created a "board of public safety" for every such city, whose term of office, except as otherwise provided in this act, shall be four years, and until their successors are elected and qualified. Said board shall take office on the first Monday after their election. The said board shall consist of three members, to be elected as herein provided. The members of said board of public safety shall be elected by the State Senate of Alabama, on the first legislative day after this act becomes effective, immediately after the approval of the journal, or failing an election on such day, on such other day as the State Senate may designate, to be elected by a majority vote of the members present and in like manner on the fifth legislative day of session of the Legislature of Alabama of 1919, and every four years thereafter on the fifth legislative day of each subsequent session of the Legislature of Alabama, and the secretary of the Senate shall immediately certify such election to the Governor. The board of public safety so elected shall serve without compensation, and shall elect one of their number as chairman. They shall each take an oath of office, before an officer authorized to administer oaths, to well and truly perform the duties of their office, and to use all diligence and care in engaging in the police and fire departments of said city only men of honesty, intelligence and ability, and to neither discharge or appoint any person for any consideration personal to

themselves. They shall then enter upon the discharge of their duties prescribed in this act. No person shall be eligible to be a member of the board of public safety of any such city who is not a qualified voter of said city, or who is not over the age of twenty-five years. Said board of public safety shall elect a chief of the police department and a chief of the fire department of said city, each of whom shall be subject to removal or suspension by a majority of said board of public safety. The said chiefs in their respective departments shall appoint and discharge and suspend all officers and members of the police department and of the fire department in any such city, subject to the approval of the board of public safety. The board of public safety shall have complete and exclusive control and authority in and over said departments, and the operation of said departments, and upon the assumption of office of the board of public safety, said departments are hereby removed from the control or direction of the city commissioners, except as in this act otherwise provided. Each person appointed by said chief of the police department and chief of the fire department, respectively, subject to the approval of the board of public safety, shall possess such qualifications as may be prescribed by said board of public safety, and the chief of the fire department and the chief of the police department, respectively, subject to the approval of the said board of public safety, shall fill all vacancies in their respective departments with persons so qualified. The said board of public safety shall have the power to increase or decrease the number of officers and members of the police and fire departments, either temporarily or permanently, as in their discretion, they may deem best for the interest of said city. The said board of public safety shall adopt rules for the transaction of business and rules and regulations for the trial of charges against any officer or member of the police or fire departments, and for the general conduct and operation of such departments. A majority of the members of said board of public safety shall be sufficient to direct its action. The salary of the officers and members of said departments shall be paid out of the treasury of any such city upon the order of said board of public safety; said order shall be signed by the chairman or acting chairman of the said board of public safety, and shall state the name and position of the payee and the amount to be paid, and shall be addressed to the treasurer of any such city, or other disbursing officer of any such city who is hereby required to pay same out of the funds of the city; upon the presentation thereof, on the endorsement of the payee therein. The

salary of the officers and members of said departments shall be as follows: In the police department, a chief at \$185.00 per month; a captain \$125.00 per month; detectives, \$90.00 per month; sergeants, \$100.00 per month; patrolmen, \$75.00 per month for the first two years of their services, and \$80.00 per month thereafter. In the fire department \$185.00 per month for a chief; \$112.50 per month for an assistant chief; \$85.00 per month, for captains or engineers, each; \$65.00 per month for firemen for the first two years of their service and \$70.00 per month thereafter, and \$75.00 per month for drivers; provided that the salaries designated above, in this section, may be changed by said board of public safety subject to the approval of the board of commissioners, of any such city. All of such salaries, except as in this section otherwise provided, to be paid as now provided by law for the payment of employees of any such city. That the board of commissioners of any such city shall provide an appropriate office room for the meetings of and discharge of the business of, said board of public safety. That in the event of a vacancy occurring in said board of public safety, the Governor of Alabama shall appoint a qualified person to fill the vacancy for the unexpired term of his predecessor; the resignation of any member of the board of public safety shall be presented to the Governor of Alabama. That said board of public safety shall meet at least once each month, and oftener as they may themselves prescribe. The naming, designating of duties, direction and control of the members of the police and fire departments in any such city shall lie in the chiefs of the respective departments, subject to the approval of the said board of public safety. It is hereby expressly made the duty of the said board of commissioners of any such city to make all proper provision and provide for the equipment, maintenance, operation, quartering, supplies and appropriations to defray the expenses of operation of such department, to be paid out of the funds of the city, where not in conflict with the provisions of this act, within three days from the date such action is requested in writing of the board of commissioners by the board of public safety. The board of public safety shall be commissioned by the Governor of Alabama, upon their election or appointment. No purchase of supplies or equipment for either of said departments exceeding five hundred dollars at one time, shall be made by said board of commissioners without the written approval of the board of public safety. The said board of public safety is hereby vested with the power and authority to employ counsel to make effective and to enforce the provisions

of this act, with reference to the board of public safety, when in the judgment of the board of public safety it becomes necessary so to do, and such city shall pay the reasonable value of such services.

Sec. 27½. Any city which shall have operated for more than four years under the provisions of this act, may abandon such organization hereunder, and accept the provisions of the general law of the State then applicable to cities of its population by proceeding as follows: Upon the petition of not less than two thousand qualified electors of such city, a special election shall be called at which the following proposition only shall be submitted: "Shall the city of.....abandon its present organization and become a city under the general laws governing cities of like population?" If a majority of the votes cast at such special election shall be in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the State for cities of like population, and upon the qualification of such officers, such city shall become a city under such general law of the State, and the terms of office of the city under the commission shall expire. The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared as provided in this act for other special elections, in so far as the provisions thereof are applicable. If any section or provision of this act shall be held to be void or unconstitutional, it shall not affect nor destroy the validity or constitutionality of any other section or provision of such act which is not of itself void or unconstitutional.

Sec. 28. All laws and parts of laws, both local and general, in conflict with the provisions of this act, are expressly repealed. This act shall take effect immediately.

Passed over the Governor's veto February 5, 1915.

No. 30.)

(S. 10—Lusk.

AN ACT

To repeal chapter 10 of the Code of Alabama (embracing sections 113 to 120 inclusive) and to provide for the disposition of the records of the bureau of cotton statistics.

Be it enacted by the Legislature of Alabama:

Section 1. That chapter 10 of the Code of Alabama (embracing sections 113 to 120 inclusive) be and the same is hereby repealed.

Sec. 2. That the records and papers belonging to the bureau of cotton statistics shall remain as part of the records of the department of agriculture and industries.

Approved February 9, 1915.

No. 33.)

(H. 9—Chamberlain.

AN ACT

Authorizing the conversion of banks organized under the laws of Alabama, into national banks.

Be it enacted by the Legislature of Alabama:

Section 1. That any banking corporation organized under the general or special law of the State of Alabama may, with the consent of the holders of a majority in amount of its stock, obtained at a meeting of the stockholders called therefor, be converted into a national bank in such manner as may, at the time of such conversion, be prescribed by the laws of congress, and the stock of said bank may be exchanged for stock in said national bank upon such terms as the consenting stockholders may, at the meeting at which the conversion is authorized, determine, or upon such terms as the holders of a majority of the stock of said State bank may, at any other meeting called for such purpose, determine.

Sec. 2. That all meetings of stockholders called for any of the purposes provided for in the first section hereof shall be called by resolutions of the board of directors, and notice of such meeting and of the purpose thereof, shall be published once a week for thirty days prior to the date of such meeting in some newspaper published in the city, town or village in which the principal place of business of said bank is located, but, if no daily or weekly newspaper is published at said place, then the publication shall be made in a newspaper published nearest thereto.

Sec. 3. That this law shall go into effect immediately upon its passage and approval.

Approved February 8, 1915.

No. 34.)

(H. 80—Harvey.

AN ACT

To repeal chapter 10 of the Code of Alabama (embracing sections 113 to 120 inclusive); and to provide for the disposition of the records of the bureau of cotton statistics.

Be it enacted by the Legislature of Alabama:

Section 1. That chapter 10 of the code of Alabama (embracing sections 113 to 120 inclusive) be and the same is hereby repealed.

Sec. 2. That the records and papers belonging to the bureau of cotton statistics shall remain as a part of the records of the department of agriculture and industries.

Sec. 3. This bill shall go into effect immediately after its passage and approval by the Governor.

Approved February 9, 1915.

No. 35.)

(H. 102—Carmichael, Colbert.

AN ACT

To appropriate the sum of fifty thousand dollars or so much thereof as may be necessary for the purpose of paying certificates of indebtedness issued by the Governor of Alabama to certain banks and individuals for purchasing and holding State warrants during four years, to-wit: 1911, 1912, 1913 and 1914, and for the payment of interest on temporary loan of one hundred thousand dollars heretofore negotiated by the Governor of Alabama.

Whereas, during the past four years, to-wit: 1911, 1912, 1913 and 1914, it became necessary in order to meet the ordinary expenses of government, for the Governor of Alabama to make arrangements with individuals and banks whereby such individuals and banks agreed when there was not sufficient money in the treasury of the State of Alabama to meet all outstanding warrants of the State to purchase at par such warrants and hold the same until there should be sufficient funds in the State treasury to pay such warrants.

And, whereas, In order to make such arrangement, it was necessary for the Governor of Alabama to agree to pay such individuals or banks a reasonable compensation or interest on the money used for the purchase of these warrants.

And, whereas, In a negotiation of such transactions the Governor issued to individuals and banks certificates of indebtedness for such interest or compensation.

And, whereas, The faith and credit of the State of Alabama is pledged by such certificates of indebtedness; therefore:

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of fifty thousand dollars or so much thereof as may be necessary is hereby appropriated out of any fund in the State treasury not otherwise appropriated, for the purpose of paying certificates of indebtedness heretofore issued by the Governor of Alabama within the past four years, which certificates were given by the Governor of Alabama for the purpose of arranging for the purchase and holding of State warrants by individuals and banks when there was not sufficient money in the treasury of the State of Alabama to pay such warrants on presentation.

Sec. 2. That out of the fifty thousand dollars herein appropriated, the Governor is hereby authorized to pay interest on temporary loans not to exceed one hundred thousand dollars heretofore made by him under the provisions of Section 554 of the Code of Alabama.

Sec. 3. That the State auditor is directed and authorized to draw his warrant on the treasurer of the State of Alabama for an amount up to and including fifty thousand dollars, on the order of the Governor of Alabama for the purpose of paying the certificates of indebtedness heretofore issued by the Governor of Alabama in making arrangements for the purchasing and holding of warrants of the State of Alabama, and for the payment of interest on temporary loans not in excess of one hundred thousand dollars heretofore negotiated by the Governor of Alabama.

Approved February 9, 1915.

No. 36.)

(H. 144—Weakley.

AN ACT

To authorize the Governor to negotiate temporary loans to supply any deficiency that may occur in the State treasury.

Be it enacted by the Legislature of Alabama:

Section 1. That in order to supply any deficiency which may occur in the State treasury at any time, the Governor is authorized from time to time to negotiate a temporary loan or loans for and in the name of the State for an amount not to

exceed three hundred thousand dollars, or such less amount as may be necessary in his judgment to supply such deficiency.

Approved February 8, 1915.

No. 37.)

(S. 168—Lee.

AN ACT

To provide for the creation of a commission for the removal of adult illiteracy in Alabama, to be known as "The Alabama Illiteracy Commission," and to provide for the duties and powers thereof.

Be it enacted by the Legislature of Alabama:

1. That there is hereby created a commission to be known as "The Alabama Illiteracy Commission," which shall be composed of five persons, both men and women, including the State superintendent of education, who shall be ex-officio a member thereof. The commissioners shall be appointed by the Governor and shall be selected for their fitness, ability and experience in matters of education, and their acquaintance with the conditions of illiteracy in the State of Alabama and its various communities.

2. That the members of the commission shall be and are hereby constituted a body corporate with all the powers necessary to carry into effect all the purposes of this act. The commissioners after their appointment and qualification, shall organize by electing from their membership a president and a secretary-treasurer. The secretary-treasurer shall execute a bond to the State of Alabama in a reputable bonding company and in such an amount as the commission may approve, for the faithful performance of the duties of his office for the proper handling and accounting of all properties and monies which may come into his hands by virtue of his office; provided, that the secretary-treasurer may be removed by the commission and a successor appointed by the commission in its discretion.

3. That it shall be the duty of the commission and it shall have the power to make research, collect data, and procure the services of any and all communities of the State looking to the obtaining of a more detailed and definite knowledge as to the true conditions of the State in regard to its adult illiteracy, and report regularly the results of its labors to the Governor, and to perform any other act which in its discretion will contribute to the elimination of the State's adult illiteracy by means of the education and enlightenment of illiterate persons in the State

of Alabama; and the commission shall expend any funds or use anything of value which it may receive in accordance with such regulations as it may from time to time adopt; provided, however, that any or all funds which may come into the hands of the commission shall be expended in keeping with the general purposes of this act.

4. That the commission shall adopt such rules and regulations as may seem expedient for carrying on its business in a manner which shall deem to it most satisfactory.

5. That the members of this commission shall receive no compensation for their services nor expenses of any kind out of the State treasury, but they shall be reimbursed out of any funds which may come into the hands of the commission from other sources for the use of the commission for their actual traveling and other necessary expenses incurred in the performance of their duties.

Approved February 9, 1915.

No. 40.)

(H. 14—Sorrell.

AN ACT

To repeal chapter 25 of the Code of Alabama, section 827 to 837, inclusive.

Be it enacted by the Legislature of Alabama:

Section 1. That chapter 25 of the code of Alabama, sections 827 to 837, inclusive, be, and it is hereby repealed.

Sec. 2. That all the records and papers now pertaining and belonging to the office of the immigration commissioner shall be deposited with the commissioner of agriculture and industries, who may certify to copies thereof upon payment of proper fees therefor.

Sec. 3. The commissioner of agriculture and industries shall from time to time cause the publication of circulars of information and hand books on the resources of the State, and shall have charge of all work looking to the promotion of immigration in English and such foreign languages as the State board of horticulture may designate, in regard to localities, climate, resources and advantages which the State of Alabama has to offer to every good class of immigration, and more specifically to the inducement of capital and desirable immigration by the dissemination of information, relative to the advantages of soil and climate and to the natural resources and industrial opportunities offered in this State.

Sec. 4. The commissioner of agriculture and industries shall also collect from the farmers and land owners of the State and list the information as to the land, stating number of acres, location, the terms upon which they may be bought, leased or shared to desirable settlers.

Sec. 5. The commissioner of agriculture and industries shall keep a land registry, and in connection therewith from time to time, publication shall be made descriptive of such listed agricultural, mineral, forest and trucking lands and factory sites as may be offered to the department for sale or share, which publication shall be in attractive form, setting forth the county, township, number of acres and the names and addresses of owners and such other information as may be helpful in placing home seekers in communication with land owners. All expenses incurred in this paragraph and the preceding paragraph shall be paid by the persons whose land or property is so advertised. The commissioner of agriculture and industries shall collect in the form of a hand book of the State to be issued when practicable, information showing the natural and industrial resources and advantages of the State of Alabama, dealing with soil, climate and raw and manufactured products, agricultural and horticultural products, textile fabrics, manufacturing industries, mines and mining, native woods and means of transportation, cost of living, the market, and all the material and social advantages for those seeking homes and investments in agricultural or manufacturing industries.

Sec. 6. In order to facilitate the collection and collation of exact information about the resources of the State of Alabama, on all lines, the heads of the several departments of the State and County governments and of the State institutions, shall furnish as far as practicable such information as may be at their command to the Commissioner of Agriculture and Industries, when called upon for the same.

Sec. 7. The commissioner of agriculture and industries may make such arrangements with any corporation, association or individual, as may desire to cooperate in any way with the board, as may best serve the interest of successful immigration into the State of Alabama, and may send an agent to any part of the United States or foreign countries for the purpose of inducing immigration to Alabama, and make such arrangements with railroads and oceanic steamers as may be necessary to carry out the provisions of this chapter, provided such corporations, firms, associations or individuals so cooperating with the board shall pay the expenses in carrying out the provi-

sions as herein set forth in this section. The commissioner of agriculture and industries shall use lawful means to prevent the induction into this State of immigrants of an undesirable class, and to this end shall investigate the conditions of the applicants for admission through the department, so as to discourage the coming in of an anarchistic tendency and paupers, persons suffering from contagious or communicative diseases, cripples without means and unable to perform mental or physical service and idiots, lunatics, persons of bad character, or any persons who are likely to become a charge upon the charity of the State and all such that will not make good and law-abiding citizens.

Sec. 8. Immigrants shall be sought from desirable white citizens of the United States first, and then citizens of English speaking and Germanic countries and France, and the Scandinavian countries and Belgium, as prospective citizens of this State and conformable with the laws of the United States. The commissioner of agriculture and industries shall make and submit to the Governor on or before the 10th day of January of each year a report covering the department's work of the preceeding year, and such report shall be printed and treated in the same manner as other public documents, or as shall otherwise be ordered.

Approved February 11, 1915.

No. 41.)

(H. J. R. 78—Greene.

A RESOLUTION

Whereas, by joint resolution the Senate and House of Representatives of Alabama at the present session have earnestly requested the senators and representatives in the Congress of the United States from Alabama to use the best medium to secure the passage of a law or laws excluding from the mails all advertisements, solicitations of orders and literature concerning intoxicating liquors and beverages as well as such beverages themselves,

Now, Therefore, be it resolved by the House of Representatives of Alabama, the Senate concurring, that Samuel D. Weakley, Fred M. Jackson, Walter Sessions, R. M. Goodall and L. B. Musgrove, citizens of Alabama in accord with the purposes of said resolution, be and they are hereby designated as special commissioners from this State to proceed to Washington, D. C.,

without any cost to the State of Alabama and present a copy of said joint resolution to the senators and members of the House of Representatives in the Congress of the United States, from Alabama, also to the President of the United States and to the Postmaster General; and to request the cooperation of all of them in securing the legislation necessary to protect prohibition territory against liquor advertisements and solicitations of orders for intoxicating liquors and beverages whereby the public policy of this State may be successfully maintained.

Approved February 11, 1915.

No. 42.)

(H. 145—Weakley.

AN ACT

To authorize the court of county commissioners, board of revenue, or other governing body of any county in this State which has outstanding a bonded indebtedness of any kind to settle, adjust and refund the same, and for that purpose to issue the bonds of said county.

Be it enacted by the Legislature of Alabama:

Section 1. That the court of county commissioners, board of revenue or other governing body, of any county in this State, which may have outstanding a bonded indebtedness of any kind, may settle, adjust and refund the same upon the best terms obtainable and in order to carry into effect the settlement, adjustment and refunding of such bonded indebtedness, the said court of county commissioners, boards of revenue or other governing body, of any county in this State may issue the bonds of such county for such amount as may be necessary to settle, adjust and refund said outstanding bonded indebtedness.

Sec. 2. All bonds issued under the authority of this act may run for such length of time not exceeding thirty years and may bear such rate of interest not exceeding five per cent per annum payable semi-annually, and may be payable at such places, as the commissioners court, board of revenue, or other governing body of such county may designate; provided, however, that said bonds shall not be issued for an amount exceeding the debt which it is proposed to settle, adjust and refund, and provided further, that said bonds shall not be sold at less than par.

Sec. 3. All bonds issued under the authority of this act shall have all the security and protection to which the original

bonds were entitled, and where the levy of a special tax was or is authorized to be made to provide for the payment of the principal and interest of such outstanding bonded indebtedness, the said commissioners court, board of revenue or other governing body is authorized to levy a like tax, for the payment of the principal and interest of bonds which may be issued under the authority of this act, for the purpose of refunding the said outstanding bonds.

Sec. 4. All bonds issued under the authority of this act shall be signed by the president or chairman of the board of revenue, commissioners court or other governing body, and shall be countersigned by the treasurer of said county, and shall have impressed thereon the seal of said county; and where no special seal has been provided by the county, the seal of the probate court of said county may be adopted and used as the county seal.

Approved February 11, 1915.

No. 43.)

(H. 490—Welch.

AN ACT

Providing for the establishment of election districts, for dividing or subdividing election precincts into such districts, for designating how many voters shall be contained in such election districts, providing where voters shall vote and making it unlawful for them to vote elsewhere, providing for the numbers and boundaries of such election districts and the designating of places therein for voting, and the giving of notice as to the establishment of such districts and such voting places.

Be it enacted by the Legislature of Alabama:

Section 1. The counties in this State as now divided into the election precincts, and the boundaries of such precincts as now defined, shall so remain until changed by order of the court of county commissioners or board of revenue, or other governing board of the county, provided that whenever such election precincts as now existing contain more than five hundred legal voters, said election precincts shall, as hereinafter provided, be divided or subdivided into election districts.

Sec. 2. No election district within this State shall contain more than three hundred legal voters.

Sec. 3. The court of county commissioners or board of revenue, or other governing board of the county, at the first regular meeting of said court or board held after the passage of this act, shall in their respective counties examine the registra-

tion and official list of voters as the same is on file in the office of the judge of probate of said county, and if it shall appear from such examination and from other available sources of information that there is in any election precinct as now constituted more than three hundred legal voters, they shall immediately divide said precinct into election districts so that no one district therein shall contain over three hundred legal voters. Whenever thereafter at any general or primary election in any election precinct or district over three hundred votes shall have been cast, the court of county commissioners or board of revenue, or other governing board of said county, shall again readjust the boundary lines of said election precincts or election districts and shall have the power to divide or consolidate any number of precincts or districts and resubdivide the same in order that not more than three hundred voters shall be contained in any one election district.

Sec. 4. Whenever any election precinct has been, as herein provided for, divided or subdivided into election districts, the court of county commissioners, or board of revenue, or other governing board of said county, making such division or subdivision shall immediately cause a description of the boundaries of said election districts to be filed in the office of the judge of probate, and shall post a copy thereof at the court house door of such county.

Sec. 5. Be it further enacted, that such election districts shall be named and designated by said courts of county commissioners, or boards of revenue, or other governing boards, by numbers, for example, as election district No. 1 of precinct No. 2.

Sec. 6. Be it further enacted, that the courts of county commissioners, or boards of revenue, or other governing boards of said counties, shall designate the places of holding elections in the election districts established hereunder, provided there shall be in no election district more than one voting place, and said court of county commissioners, or board of revenue, or other governing body of said county, shall file with the judge of probate of said county, along with the boundaries of said districts, the names of places designated for voting, and shall also post such names at the court house door of such county.

Sec. 7. Be it further enacted, that it shall be the duty of the judge of probate within five days after the courts of county commissioners, or boards of revenue, or other governing boards of said county, file with him the boundaries of such election districts and the names of the voting places therein, to give notice

of the same by publishing the same in some newspaper of general circulation published in said county and having the same posted by the sheriff at the court house door, and at two public places in said election district of such precinct. Such notice must describe such election district by its number and must specify the place therein where elections are to be held.

Sec. 8. Be it further enacted, that where election precincts have been divided or subdivided into districts hereunder it shall be unlawful for any voter in any elections held hereafter to vote at any place other than the election district in which said voter is, at such time, registered as a qualified elector.

Sec. 9. Be it further enacted, that nothing herein contained shall be construed as calling or providing for the election of justices of the peace or constables in said election districts, or the appointment of notaries publics ex-officio justices of the peace but said justices of the peace and constables shall only be elected or appointed as now provided for election precincts as they are now or may hereafter be established.

Sec. 10. Be it further enacted, that all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved February 11, 1915.

No. 45.)

(S. 235—Hartwell.

AN ACT

To amend section 4926 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That section 4926 of the code be amended so as to read as follows: 4926 (2991) Disposition of Fees; Accounting; Salary of Master. All the revenues arising to the harbor master and his wardens under the provisions of this article, and as commissioners of pilotage, shall constitute one fund, and be applied, first, to the payment of the expenses of printing and distributing all papers necessary to make known the port charges and the laws and rules governing the river and harbor of Mobile and vessels and crews coming into it; second, to the payment of office expenses; and the residue shall be divided as follows: One-third to the city treasury, and the remaining two-thirds of the residue to the port wardens, excluding the harbor master. The harbor master shall receive a salary from the city of Mobile of twelve hundred and fifty dollars per an-

num, payable monthly, in the same manner as the salaries of other municipal officers. For his services in and upon that portion of Mobile river lying north of the corporate limits of Mobile and extending northwardly past the mouth Chickisa Bogue to the place at which part of the waters of the Mobile river flow into the Spanish river, the harbor master shall receive a salary of twelve hundred and fifty dollars per annum, from the county of Mobile, payable monthly on the first of each month, for which the board of revenue and road commissioners of Mobile county shall make due provision. The said sum shall be the total compensation to be received by the harbor master, and he shall, neither directly nor indirectly, receive, or in any way participate in any fees or accept any other compensation for his services. It shall be the duty of the harbor master to file with the city clerk on or before the fifth of every calendar month a statement in detail of receipts and disbursements of all monies which shall have come into his hands in the discharge of the duties of his office during the preceding month, and shall submit the same with vouchers to the said clerk, who shall audit said harbor master's accounts, and see that the amount received for dues, after paying expenses as provided to be paid into the city treasury and to wardens as provided. The clerk shall make monthly reports to the mayor of collections and disbursements of fees, and the statement of receipts and disbursements, together with the city clerk's report, shall be laid before the city commission at their first meeting after the completion of the report, and spread at length on the minutes of the council.

Approved February 11, 1915.

No. 49.)

(H. 365—Fite, Marion.

AN ACT

To amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of: An Act entitled "An Act to create a Banking Department of the State of Alabama, and through this Department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," approved March 2nd, 1911.

Be it enacted by the Legislature of Alabama, That the title of "An Act entitled an act to create a banking department for the State of Alabama, and through this Department to regulate, examine and supervise banks," be and the same is hereby

amended to read as follows: An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, to punish certain prohibited acts relating thereto, to provide for the seizure and liquidation of banks, to provide for the levy of an assessment upon State banks for the support of the Banking Department created hereunder, and to limit the amount of license tax which municipal corporations are permitted to levy upon State banks.

Section 1. *Be it enacted by the Legislature of Alabama,* That section 1 of an act entitled "An Act to create a banking department of the State of Alabama, and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," be and the same is hereby amended to read as follows: Section 1. There is hereby created a banking department of the State of Alabama charged with the execution of all laws relating to corporations and individuals doing or carrying on a banking business in the State of Alabama. The word "bank" as herein used means any person, firm, partnership or corporation doing or carrying on a banking business, including a branch bank, unless used in such connection and way as to express a different meaning. The chief officer of the banking department shall be known as the superintendent of banks, and he shall be appointed by the Governor, and his appointment reported by the Governor to the Senate, and before he is authorized to perform the duties of his office, his appointment must be confirmed by the Senate, and his term of office shall expire on the first day of February after the expiration of the term of office of the Governor making the appointment, or until his successor is appointed and qualified, provided, however, that in the event, for any reason there should be a vacancy in the office while the Senate is not in session, the Governor shall appoint a superintendent of banks and such superintendent shall hold office and exercise the powers conferred by law upon him until the Senate meets and passes upon the appointment, and if his appointment is confirmed by the Senate, he shall continue in office, and if his appointment is disapproved of by the Senate, another appointment must be made by the Governor, and in like manner appointments made until appointment is confirmed by the Senate. The superintendent of banks shall be a man of good character, and familiar with banking transactions, and shall not either directly or indirectly be interested in or carry on business as an individual banker. The superintendent of banks

shall receive an annual salary of thirty-six hundred (\$3,600) dollars to be paid monthly in the same manner as the salaries of the other State officers are paid. The superintendent of banks shall within fifteen days from the time of notice of his appointment, if his appointment is made when the Senate is not in session, or within fifteen days from his appointment and confirmation by the Senate, take and subscribe the constitutional oath of office, file the same in the office of the secretary of State, and execute to the State a bond in the penalty of twenty-five thousand (\$25,000) dollars; with a surety company or companies as surety who are qualified to do business in the State of Alabama, to be approved by and delivered to and held by the secretary of State, conditioned for the faithful discharge of the duties of his office. The premium on said bond to be paid by the State on a warrant drawn by the Auditor on the treasurer payable to said surety company or companies. The superintendent of banks may be removed from office for neglect of duty, malfeasance, misfeasance, extortion or corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and the importance of its duties, as to unfit him for the discharge of such duties, or for any offense involving moral turpitude while in office, committed under color thereof or connected therewith, in the same manner and way and by the same proceedings as is provided for the removal of sheriffs from office. There is hereby created a banking board consisting of the superintendent of banks, who shall be ex-officio a member of the board, and two persons who shall be appointed by the Governor, by and with the consent of the Senate and the superintendent of banks shall be chairman of this board. The term of office of the two appointed members of the board shall expire on the first day of February after the expiration of the term of office of the Governor making the appointment. Either of the two appointed members of said board may be removed from office upon the same grounds and in the same manner and way as is provided for the removal of the superintendent of banks. If by reason of death or removal from office a vacancy shall occur in said banking board, the vacancy shall be filled by appointment of the Governor. The two appointed members of said banking board shall be men of good character and experience in the banking business and connected with some State bank doing business as a bank under the laws of the State of Alabama as an officer or director of such bank. No person appointed as a member of said banking board shall receive any compensation

for his services except that each appointed member of said board shall receive twenty-five (\$25.00) dollars per day and traveling expenses for each day that said banking board is in session, but in no event to exceed one hundred (\$100.00) dollars for each member of said board during any one month. The compensation going to the two appointed members of the banking board shall be paid as earned by the State treasurer on warrants drawn by the State auditor in favor of each of them, which warrants are to be drawn on the certificate of the superintendent of banks, which certificate shall certify that a meeting of said board was held, stating the time of the meeting and stating the amount to which each member of the board is entitled.

Sec. 2. That section 3 is hereby amended so as to read as follows: Section 3. The superintendent of banks may from time to time, employ not exceeding four persons as examiners, one office assistant and one stenographer, to aid him in the discharge of the duties imposed upon him by law. The examiners, office assistant and stenographer employed by the superintendent shall perform such duties as he shall assign them, and each of the examiners employed shall be paid a salary of one hundred and fifty (\$150.00) dollars per month, the office assistant a salary of eighty-three and one-third (\$83.33) per month, and the stenographer a salary of seventy-five (\$75.00) dollars per month for the time that they are actually engaged in performing duties under the direction of the superintendent of banks, such salary to be paid monthly on the certificate of the superintendent of banks on warrants drawn by the State auditor on the State treasurer.

Sec. 3. That section 4 is hereby amended so as to read as follows: Section 4. The necessary traveling expenses in the discharge of their duties, of the superintendent of banks, office assistant, and the examiners employed by him shall be audited by the State auditor and paid monthly by warrants drawn by the Auditor on the treasurer in favor of the superintendent of banks.

Sec. 4. That section 5 is hereby amended so as to read as follows: Section 5. The Governor of the State shall assign to the superintendent of banks a suitable room or rooms in the capitol building for conducting therein the business of the banking department of the State, and this department shall be furnished with the necessary furniture, stationery, postage, lights, telegraph and telephone service and other proper and necessary expenses and conveniences and clerical assistance in

the same manner and way as is furnished to other State departments.

Sec. 5. That section 6 is hereby amended so as to read as follows: Section 6. Each bank carrying on a banking business in the State of Alabama shall, on the call of the superintendent, annually pay into the treasury of the State between the first day of January and the first day of April of each year, to be used as an aid in defraying the expenses of the banking department of the State in proportion to the capital, surplus and undivided profits of the bank as follows: Where the capital, surplus and undivided profits is \$25,000 or less, \$25.00; where the capital, surplus and undivided profits is more than \$25,000 and not over \$50,000, \$42.00; where the capital, surplus and undivided profits is more than \$50,000, and not over \$75,000, \$57.00; where the capital, surplus and undivided profits is more than \$75,000 and not over \$100,000, \$75.00; where the capital, surplus and undivided profits is more than \$100,000 and not over \$125,000, \$92.00; where the capital, surplus and undivided profits is more than \$125,000 and not over \$150,000, \$108.00; where the capital, surplus and undivided profits is more than \$150,000, and not over \$175,000, \$125.00; where the capital, surplus and undivided profits is more than \$175,000 and not over \$200,000, \$142.00; where the capital, surplus and undivided profits is more than \$200,000 and not over \$225,000, \$160.00; where the capital, surplus and undivided profits is more than \$225,000 and not over \$250,000, \$180.00; where the capital, surplus and undivided profits is more than \$250,000 and not over \$500,000, \$250.00; where the capital, surplus and undivided profits is in excess of \$500,000, \$335.00; a bank having branches shall pay a total of not less than \$25.00 for each office or branch. No other assessment or license of any kind shall be levied against or collected from any bank or banking institution as such, except the ordinary taxes assessed against property in general, and except that after January 1st, 1912, municipalities may levy a license in proportion to the capital, surplus and undivided profits of the bank, of not more than the following amounts, to-wit: Where the capital, surplus and undivided profits is \$25,000 or less, \$10.00; where the capital, surplus and undivided profits is more than \$25,000 and not more than \$50,000, \$20.00; where the capital, surplus and undivided profits is more than \$50,000 and not over \$75,000, \$30.00; where the capital, surplus and undivided profits is more than \$75,000 and not over \$100,000, \$40.00; where the capital, surplus and undivided

profits is more than \$100,000 and not over \$125,000, \$50.00, where the capital, surplus and undivided profits is more than \$125,000 and not over \$150,000, \$60.00; where the capital, surplus and undivided profits is more than \$150,000 and not over \$175,000, \$70.00; where the capital, surplus and undivided profits is more than \$175,000 and not over \$200,000, \$80.00; where the capital, surplus and undivided profits is more than \$200,000 and not over \$225,000, \$90.00; where the capital, surplus and undivided profits is more than \$225,000 and not over \$250,000, \$100.00; where the capital, surplus and undivided profits is more than \$250,000 and not over \$500,000, \$150.00; where the capital, surplus and undivided profits is in excess of \$500,000, \$200.00; and on each branch bank, (\$10.00) ten dollars. The term "undivided profits" as used in this section, shall be construed to mean the undivided profits as shown by the books of the bank. All payments to be based on the report made by the banks to the superintendent of banks next preceding January 1st. Each bank failing to make payments within the time provided in this section, shall forfeit to the State \$5.00 for each day that it is in default; such forfeit together with the amount due from the bank, may be collected from the bank by suit in the name of the State, and it shall be the duty of the superintendent of banks to enforce payment of the amount that should be paid and of the forfeit to the State under the provisions of this section by suit in the name of the State against the defaulting bank, if payments are not made as herein required.

Sec. 6. That section 9 is hereby amended so as to read as follows: Section 9. Whenever the superintendent of banks shall have reason to believe that the capital stock of any corporation or capital of any individual banker is reduced by impairment or otherwise below the amount of its paid-up capital stock, it shall be his duty to require such corporation or individual banker to make good the deficit within thirty days after the date of the requirement by him, which requirement shall be in writing. The superintendent may examine or cause to be examined into the affairs of any such bank to ascertain the amount of such impairment or reduction of capital and whether the deficiency has been made good as required by him.

Sec. 8. That section 14 is hereby amended so as to read as follows: Section 14. In the event the superintendent takes charge of the business and affairs of any bank, as herein authorized, or in the event a proceeding is instituted to forfeit the charter of any bank, the report of the examiner of such bank on file in the office of the superintendent of banks, or a copy

thereof duly certified by the superintendent of banks under his official seal, may be used in any court, either by the bank examiner or by the bank, as evidence to the extent that the same is competent as evidence, or as an aid to arriving at the true condition of the bank.

Sec. 9. That section 15 is hereby amended so as to read as follows: Section 15. All banks doing business in this State shall make to the superintendent of banks, on the call of the superintendent for such report, not less than two reports during each year, according to the form which may be prescribed by the superintendent, such report must be verified by the oath or affirmation of the executive officers or agents thereof, and in case of corporations, by the president or cashier or secretary, and must be attested by the signature of at least three directors of the corporation. Each of such reports shall exhibit in detail and under appropriate head the resources and liabilities of each bank at the close of business on any past day specified by the superintendent, not more than five days prior to the issue of superintendent's call, which day for report shall be uniform throughout the State, and shall be transmitted by the bank to the superintendent within five days after the receipt of a request or requisition therefor from him, and the same shall be published by the bank once in a newspaper in the city or town in which the bank is located, at the expense of said bank; if no newspaper is published in the town where the bank is located, publication must be made in a newspaper published in the nearest city; proof of such publication shall be furnished by the bank to the superintendent as may be required by him, including the clippings of the report as published in the newspaper. It shall be the duty of the superintendent to prescribe to the bank the form for the published report, made by the bank, which form shall contain such items as is deemed necessary by the superintendent to inform the public as to the financial condition of the bank, and such form shall be uniform throughout the State, and it shall be the duty of the superintendent to see that each bank has published its report in accordance with the form prescribed, and to check such published report, using the newspaper clipping furnished him by the bank with the sworn report of the bank filed with the superintendent. If the report is not published by the bank the superintendent shall, at the expense of the bank, publish the report. In the event that there are discrepancies in the published report of the bank and the sworn report furnished to the superintendent, if in the opinion of the superintendent the discrepancies are due to clerical

errors, it shall be the duty of the superintendent to notify the bank to republish its report so as to conform with the sworn report filed with the superintendent, and it shall be the duty of the bank to make such re-publication. If, in the opinion of the superintendent, the discrepancies in the published and sworn reports are not due to clerical errors, it shall be the duty of the superintendent to forthwith publish a true and correct report as shown by the sworn report filed with the superintendent, stating in such publication that the published report of the bank did not conform to the sworn report on file with the superintendent, and it shall be the further duty of the bank to pay the cost and expenses of such publication.

Sec. 10. That section 20 is hereby amended so as to read as follows: Section 20. No bank shall lend money to any salaried officer or agent or employee or director of the bank, nor to any firm or corporation in which any salaried officer, agent or employee of the bank owns an interest, without the loan being submitted to and approved by the board of directors (where the bank is a corporation) in writing, and filed in the archives of the bank, and to all the officers of the bank where the bank is not a corporation, nor shall any such loan be made without good security; provided, however, if the board of directors of a corporation has delegated the power to pass on loans to a committee, the approval of such loans and of the security to secure the loan by such committee may be made in lieu of the approval by the board of directors. And in no event shall any director, salaried officer, agent or employee of a bank be permitted to borrow more than 20% of the capital, surplus and undivided profits of said bank.

Sec. 11. That section 21 is hereby amended so as to read as follows: Section 21. No bank shall lend to any one person, firm or corporation (including loans to a firm, loans to the several members thereof) more than ten per cent of its capital, surplus and undivided profits, unless such loan is amply secured and shall be approved in writing by a majority of the board of directors, (in case of a corporation) or the loan committee, and by all of its officers if not a corporation.

Sec. 12. That section 23 is hereby amended so as to read as follows: Section 23. No bank incorporated under the laws of this State shall have authority or power to increase or decrease its capital stock, or consolidate or merge with any other bank, except in pursuance of the provisions of law, and before such increase or decrease of the capital stock of any bank, or before the consolidation or merger of any bank into another bank, a

written application must be filed by the bank desiring to increase or decrease its capital stock or consolidate or merge with another bank, with the superintendent of banks, stating the facts in regard thereto, permission in writing obtained from him to make such increase or decrease in the capital stock, or enter into such consolidation or merger, and before such increase or decrease of the capital stock or merger or consolidation becomes effective, the superintendent of banks must examine into the proceedings to increase or decrease the capital stock or the consolidation or merger, and must issue his certificate in duplicate, certifying that the increase or decrease of the capital stock, or consolidation or merger has been in pursuance of the requirements of law, one of the duplicates of which certificates must be kept on file in the office of the superintendent, and one of the duplicates of the certificate must be filed for record at the expense of the bank, in the probate office of the county in which is located the principal place of business of the bank. The superintendent of banks shall issue his certificate if the requirements of law have been complied with for such increase or decrease of the capital stock, or for such consolidation or merger, but shall refuse to issue his certificate unless the requirements of law have been complied with; provided however that the capital stock of no bank shall be decreased below the minimum amount required by law for the incorporation of banks in this State.

Sec. 13. That section 25 is hereby amended so as to read as follows: Section 25. After notice of intention to incorporate has been published the parties named as proposed stockholders in the published notice of the proposed corporation shall make an affidavit before some officer authorized to administer oaths, and in said affidavit set forth the fact of publication of the notice, as required by section 24 hereof, and attach to the affidavit a copy of the published notice, and each proposed stockholder in said affidavit shall state for himself that he bona fide intends to become a stockholder in the proposed bank. This affidavit shall be filed with the superintendent of banks, and at the time of filing this affidavit, the proposed incorporators shall submit to the superintendent the certificate of the proposed incorporators of the bank, which is proposed to be filed for incorporation. Thereafter it shall be the duty of the superintendent of banks to ascertain from the best source of information at his command, whether the character and general fitness of the persons named as stockholders in the published notice and certificate of

incorporation, are such as to command the confidence of the community in which such bank is proposed to be located, and it shall be the duty of the superintendent to make this inquiry and ascertain regardless of whether or not objections to the incorporation are filed with him. It shall also be the duty of the superintendent of banks to investigate the public necessity for a bank in the community where the same is proposed to be located and shall also ascertain if there is sufficient business in said community to support said bank. Any bank doing business in the community or any reputable citizen in the community may file with the superintendent of banks an objection to the incorporation of the proposed bank upon the grounds that the character and general fitness of the persons named as stockholders in the published notice, are not such as to command the confidence of the community in which such bank is proposed to be located, and that there is no public necessity for and not sufficient business to support said bank in said community, and if such objection is filed it shall be the duty of the superintendent of banks to thoroughly and specifically inquire into and investigate the objections, and the superintendent in his investigation shall have the authority and power to summon witnesses to appear before him, and to administer oaths to such witnesses and to examine such witnesses under oath as to the character and general fitness of the persons named as stockholders, and to ascertain whether their character and general fitness is such as to command the confidence of the community in which such bank is proposed to be located, and also ascertain if there is a public necessity for and sufficient business to support said bank in said community. If the superintendent shall be satisfied from his investigation that the character and general fitness of the persons named as stockholders are such as to command the confidence of the community in which such bank is proposed to be located, and that there is a public necessity for and sufficient business to support said bank in said community, he shall, within thirty days from the date of the submission by him of the proposed certificate of incorporation, pass upon the sufficiency of the certificate of incorporation, and if he approves the certificate as conforming to the requirements of law, he shall issue under his hand and official seal a certificate authorizing the probate judge of the county in which the bank proposes to incorporate and do business, to file the certificate of incorporation upon proof required by law of payment of subscription to the capital stock subscribed for as required by law and the superintendent shall transmit the proposed certificate

of incorporation together with said certificate made by him to the said probate judge, and the superintendent of banks shall keep on file in his office a duplicate of the certificates made by him. The probate judge upon the certificate of incorporation being duly signed by the incorporators and proof being duly made as required by law of payment of subscription to the capital stock, shall file and record the certificate of incorporation and other papers necessary or deemed necessary in the incorporation of the bank, together with the said certificate issued by the superintendent of banks. If the certificate of incorporation submitted to the superintendent shall not be in form and substance as required by law, or the affidavit filed with the superintendent shall not be as required herein, the superintendent shall refuse to issue his certificate to the probate judge authorizing the filing of the certificate of incorporation unless the proper papers are filed and submitted to him. If the superintendent of banks is of the opinion from his investigation, that the character and general fitness of the persons named as stockholders are such as not to command the confidence of the community in which such bank is proposed to be located, or that there is not a public necessity for or sufficient business to support said bank in said community, he shall issue under his hand and official seal, in duplicate, a refusal, to permit the incorporation of the proposed bank, and shall within thirty days from the time the certificate of the proposed corporation is submitted to him, transmit to the probate judge of the county in which the bank proposes to incorporate and do business, one of the duplicates of his refusal, which the probate judge shall file and record in his office, and the other duplicate of his refusal, the superintendent shall file in his office, and upon refusal the superintendent shall return the proposed certificate of incorporation to the parties who transmitted the same to him.

Sec. 14. That section 26 is hereby amended so as to read as follows: Section 26. From and after the passage of this act, no individual or individuals or partnership shall commence the carrying on of the banking business without first giving notice of intention to organize and carry on such business by publication at least once a week for four successive weeks in a newspaper to be designated by the superintendent of banks published in the city, or town or county where such bank is proposed to be located. Such notice shall specify the name or names of the individual or individuals proposed to be interested in such bank, what interest each will have, the amount of the capital proposed to be used in the proposed banking business,

the name under which and the place where the business will be carried on, and the bona fide cash value of the assets and property of each individual to be interested in the bank, over and above all indebtedness. Copy of such published notice and affidavit shall be made and filed with the superintendent of banks and the superintendent of banks shall investigate and ascertain whether the character and general fitness of the individual named are such as to command the confidence of the community in which said bank is proposed to be located, and that there is public necessity for said bank, and sufficient business to support same in said community, the same as is required preliminary to the incorporation of a bank under the provisions of section 24 and section 25 hereof. If the superintendent of banks is of the opinion from his investigation that the character and general fitness of the persons named as interested in the bank proposed to be operated are such as to not command the confidence of the community in which such bank is proposed to be located, and that there is not a public necessity for and sufficient business to support said bank in said community, he shall issue under his hand and official seal, in duplicate, a refusal to permit the individual proposed to be interested in the proposed bank from operating the bank, and shall, within thirty days from the time that affidavit and copy of the published notice is submitted to him, transmit to the probate judge of the county, in which the bank is proposed to be located and do business, one of the duplicates of his refusal, which the probate judge shall file and record in his office, and the other duplicate of his refusal the superintendent shall file in his office.

Sec. 15. That section 30 is hereby amended so as to read as follows: Section 30. In event the superintendent of banks refuses to permit the incorporation of any bank, or refuses to permit any individual to organize an individual bank upon the ground that the general character and general fitness of the persons named as stockholders (in case of the proposed incorporation of the bank) or the individual or individuals (in case of the proposed organization of an individual bank) are not such as to command the confidence of the community in which said bank is proposed to be located, or that there is not a public necessity for or sufficient business to support said bank in said community, any proposed stockholder or individual may institute proceeding by mandamus or other appropriate remedy, in any court having jurisdiction against the superintendent to compel the superintendent to permit the incorporation

or organization of such bank, alleging in such proceeding that the character and general fitness of the person named as stockholder or as individual is such as to command the confidence of the community in which such bank is proposed to be located, and that there is a public necessity for and sufficient business to support said bank in said community, and if from the evidence in the case the court is of the opinion that the character and general fitness of the persons named as stockholders or individuals in case of individual bankers, are such as to command the confidence of the community in which such bank is proposed to be located, and that there is a public necessity for or sufficient business to support said bank in such community, the court shall render an order, judgment or decree directing the superintendent of banks to permit the incorporation of such bank, and thereafter the superintendent shall issue his permit for such organization, stating in the permit that it is granted by order of the court (designating the court). If the superintendent of banks refuses to issue his permit for any bank to commence business upon the ground that the requisite capital has not been paid in like manner by appropriate proceedings, when it is proven to the satisfaction of the court that the requisite capital has been paid in, an order, judgment or decree may be rendered directing the superintendent to issue his permit for such bank to commence business and thereupon the superintendent shall issue his permit, stating in such permit that it is issued by order of the court (naming and designating the court). On the trial of any such cause the superintendent shall have the right to introduce legal testimony to sustain or tending to sustain his action in the premises.

Sec. 16. That section 31 is hereby repealed.

Sec. 17. That section 32 is hereby repealed.

Sec. 18. That section 33 is hereby amended so as to read as follows: Section 33. It shall be the duty of the superintendent of banks to make, from the reports to him during the year, an annual report to the Governor in regard to the banking department of the State and the superintendent shall keep on file in his office a duplicate of each report made to the Governor, which shall be subject to the inspection of the public. The annual report of the superintendent of banks may be published if the superintendent of banks deems the report to be of sufficient importance to the public.

Sec. 19. That section 34 is hereby amended so as to read as follows: Section 34. The superintendent of banks shall be liable on his official bond to any person or corporation injured on

account of the failure of the superintendent or any examiner appointed by the superintendent to faithfully discharge the duties of his office. Suit may be brought in a court of competent jurisdiction in the name of the State for the use of the injured party. The superintendent of banks, must at the time that he appoints an examiner or office assistant, or at any other time, require such examiner or office assistant to give bond in the sum of \$10,000.00, payable to the State of Alabama, with a surety company or companies as surety qualified to do business in Alabama, to indemnify the superintendent and all other persons against all loss which the superintendent or any other person may sustain by reason of the examiner or office assistant failing faithfully to discharge his duty, and the premiums on said bonds of the examiners and office assistant, shall be paid by the State on warrants drawn by the auditor on the treasurer and payable to the surety company making said bonds.

Sec. 20. That section 39 is hereby amended so as to read as follows: Section 39. Any person who knowingly and willfully verifies by oath or affirmation any false report of the condition of a bank made to the superintendent of banks on the call of the superintendent for such report, shall be guilty of perjury, and, upon conviction shall be sentenced to the penitentiary for not less than one nor more than five years. And the signature of the person attached to the oath or affirmation shall be prima facie evidence of the fact that he knowingly and willfully violated said oath or affirmation.

Sec. 21. That section 41 is hereby amended so as to read as follows: Sec. 41. Any individual banker, officer or manager of any incorporated bank or individual banker who receives any deposit for a bank, or permits the same to be received, knowing or having good reason to believe at the time that such deposit is received that such bank or individual banker is insolvent, or in a failing condition, is guilty of a misdemeanor if the amount or value of such deposit be less than \$25.00, and, on conviction must be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months, and may also be fined not more than five hundred dollars at the discretion of the jury, if the amount or value of such deposit be \$25.00 or over, such person is guilty of a felony, and, on conviction must be imprisoned in the penitentiary for not less than one nor more than five years. The failure of any bank shall be prima facie evidence of the knowledge on the part of said individual banker, officer or manager of any incorporated bank or individual banker, that the same was insolvent or in a failing con-

dition when the money or property was received on deposit, provided such deposit was received or accepted within ten days before said individual banker or incorporated bank closed its doors for business; provided further that the facts and circumstances of such failure may be sufficient to rebut the presumption of guilt.

Sec. 22. That section 45 is hereby amended so as to read as follows: Section 45. Any individual banker, or officer, director, agent, teller or employee of an incorporated bank, or of an individual banker who willfully and knowingly overdraws his account with such bank and thereby obtains money or funds of any such bank or asks or receives, or consents, or agrees to receive any commission, emolument, gratuity or reward, or any promise of any commission, emolument, or reward, or any money, property or thing of value or of personal advantage in procuring or endeavoring to procure for any person, firm or corporation any loan from or the purchase or discount of any paper, note, draft, check or bill or exchange, by any such bank, is guilty of a misdemeanor and, on conviction, must be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months, and may also be fined not more than five hundred dollars, at the discretion of the jury.

Sec. 23. That section 46 is hereby amended so as to read as follows: Section 46. Any individual banker or director, officer, agent or employee of an incorporated bank or individual banker, who knowingly receives or possesses himself of any of its property otherwise than in payment for a just demand, and with intent to defraud, and omits to make or causes the omission of a full and true entry thereon in its books and accounts, shall be guilty of a felony, and on conviction shall be sentenced to the penitentiary for not less than two or more than ten years. Any individual banker or director, officer, agent or employee of an incorporated bank or individual banker, who willfully and intentionally makes or concurs in making any false entry, or willfully and intentionally concurs in omitting to make any material entry on its books and accounts, shall be guilty of a felony and on conviction must be sentenced to the penitentiary for not less than two years or more than ten years. Any individual banker, or director, officer, agent or employee of an incorporated bank or individual banker, who (1) knowingly by letter head, newspaper advertisement or otherwise, represents its capital stock to be in excess of the actual capital paid in, or knowingly concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary

conditions, making any material statement which is false, or knowingly omits or concurs in omitting any statement required by law to be contained therein; or (2) refuses or intentionally neglects to make any report or statement required by law, is guilty of a misdemeanor, and, on conviction, may be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months, and may also be fined not more than five hundred dollars, at the discretion of the jury.

Sec. 24. This act as amended shall go into effect immediately upon passage thereof.

Sec. 25. If any part or provisions of any section of this act as amended, shall be declared unconstitutional, said unconstitutionality shall not affect or destroy any other part or provision or any other section of this act.

Approved February 15, 1915.

No. 51.)

(S. 173—Lee.

AN ACT

To provide for the distribution of the deposit of mutual aid or industrial associations or corporations with the insurance commissioner where they become insolvent, cease to do business, and re-insure their policy holders at the time they cease to do business and to make the duly certified statement of the insurance commissioner prima facie evidence in such cases.

Be it enacted by the Legislature of Alabama:

That when any mutual aid or industrial association or corporation shall become insolvent and shall cease to do business and shall, at the time it ceases to do business, re-insure all its policy contracts of insurance then outstanding, the insurance commissioner may, if satisfied that all its members or policy holders holding such outstanding policies are sufficiently protected under and by such re-insurance, pay or turn over the deposit of such association or corporation held by him as an indemnity fund for the benefit of its members or policy holders, to the receiver or trustee or other proper representatives of such insolvent association or corporation who is legally authorized to receive it, for the payment of all the valid unpaid claims of such members or policy holders which have accrued or which may accrue against said association or corporation until such members or policy holders are protected by such re-insurance. If after all such claims have been paid, there re-

mains a balance of such deposit, such balance may be applied in the payment of other debts of such association or corporation and for the further purposes of a settlement of its affairs. At the time the insurance commissioner pays or turns over such deposit to such receiver, trustee or other proper representative of such insolvent association or corporation, he shall transmit therewith a duly certified copy of the re-insurance agreement under and by which such outstanding policy contracts of insurance of said association or corporation are re-insured, together with a duly certified statement that such re-insurance agreement has been approved by him. Such duly certified statement of the insurance commissioner that such re-insurance agreement has been approved by him shall be received in any court of this State as prima facie evidence that the holders of such outstanding policy contracts of insurance of said association or corporation are sufficiently protected under and by such re-insurance agreement according to the tenor and effect thereof. The provisions of this act shall apply to the case of any such mutual aid or industrial association or corporation which has heretofore become insolvent, ceased to do business, and at the time it ceased to do business, re-insured all its policy contracts of insurance then outstanding.

Approved March 17, 1915.

No. 52.)

(H. 33—John.

AN ACT

To establish and maintain a laboratory for making serum for treatment of hog cholera, and to regulate the sale of the serum.

Be it enacted by the Legislature of Alabama:

1. That there is hereby appropriated out of any money, not otherwise appropriated, twenty-five thousand dollars, to be expended under the direction of the trustees of the "Alabama Polytechnic Institute," in building and equipping a laboratory on, or near the grounds of the institute, for the purpose of making the serum and virus for immunizing hogs against the cholera.

2. The laboratory shall be under the immediate supervision and direction of the State veterinarian, who shall make rules for the proper conduct of the laboratory and determine the cost of the serum, without counting anything for interest on the in-

vestment or upkeep of the laboratory, and for selling and distributing the serum to owners of hogs, who are residents of Alabama, and shall promulgate instructions for using the same, and the care of the hogs treated.

3. There is hereby appropriated annually, the sum of three thousand dollars, for extending and adding to the laboratory and the necessary buildings connected therewith and renewing any of the apparatus or things necessary to the proper conduct of the operation of the laboratory.

4. The appropriation made in the first section of this act shall be available till all of it is used, and the Governor will take care that it is drawn out in partial payments as needed, and till actually needed it must remain in the treasury.

5. The annual appropriation for maintenance shall be drawn out as needed, and any part of it not needed and not drawn out on or before the 30th day of September of any year shall not be added to the amount for the next year's maintenance.

Approved March 5, 1915.

No. 53.)

AN ACT

(H. 143—Weakley.

To authorize courts of county commissioners, boards of revenue, or other governing bodies of counties in this State, to make temporary loans in anticipation of the collection of taxes.

Be it enacted by the Legislature of Alabama:

Section 1. That courts of county commissioners, boards of revenue, or other governing bodies of the counties of this State, be and they are hereby authorized, for and in behalf of their respective counties to make temporary loans in anticipation of the collection of taxes for the year in which such loans are made, and to issue certificates covering such loans, and to pledge a sufficient amount of uncollected taxes of the current year to secure the repayment of such loan or loans.

Sec. 2. That such loans shall not be for a sum greater than one-half the income of said county for the preceding year, and all such loans may bear interest not exceeding eight per cent per annum, and shall mature not later than February 1st, of the year following and shall not be renewed.

Sec. 3. That all certificates evidencing loans made under the authority of this act, shall be registered by the county treas-

urer in the order of their issue, and the said treasurer shall retain out of the taxes collected for the year, and paid over to him, a sufficient amount to pay said certificates, and said certificates shall be paid in the order of their registration, and they shall be entitled to priority of payment out of the proceeds of the taxes pledged to pay the same.

Sec. 4. That all such certificates when paid by the treasurer shall be cancelled, and such cancellation and payment shall be noted on the register, and it shall be unlawful thereafter to re-issue such certificates.

Sec. 5. That all certificates issued under the authority of this act shall be exempt from taxation.

Approved March 1st, 1915.

No. 54.)

H. 147—Scott.

AN ACT

To provide for building and maintaining public highways through incorporated towns and cities by boards of revenue and courts of county commissioners in all counties of two hundred thousand inhabitants, or more, out of any money at any time subject to the disposal of such boards of revenue and courts of county commissioners for road purposes.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the boards of revenue and courts of county commissioners in all counties of the State having a population of two hundred thousand, or more, according to the last preceding Federal census or any such subsequent census, to maintain one public highway running in an easterly and westerly direction entirely through and across the county, and also one public highway running in a northerly and southerly direction entirely through and across the county, each of which highways shall pass by the court house of such county, and where such highways pass through any incorporated town or city, shall maintain the same within the corporate limits thereof.

Sec. 2. That all such boards of revenue and courts of county commissioners are hereby authorized and empowered to appropriate any money subject to their disposal for road purposes, to the maintenance, repair and upkeep of such public highways throughout their entire length.

Approved March 17, 1915.

No. 58.)

(S. 241—Pride.

AN ACT

To exempt from taxation in this State money lent, solvent credits and credits of value, other than such as are secured by mortgage, deed of trust or a contract of conditional sale, upon which a privilege tax is required to be paid.

Be it enacted by the Legislature of Alabama:

Section 1. That money lent, solvent credits, and credits of value, other than such as are secured by mortgage, deed of trust, or a contract of conditional sale, upon which a privilege tax is required to be paid, shall be exempt from taxation.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of section 1 of this act, be and the same are hereby repealed.

Approved February 16, 1915.

No. 59.)

(S. 4—Hall.

AN ACT

To abolish the office of county tax commissioner for every county in the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the office of county tax commissioners in the State of Alabama, be and the same is hereby abolished.

Approved March 17, 1915.

No. 60.)

(S. 130—Lee.

AN ACT

To submit to the qualified electors of the State, at the general election to be held in November 1916, for their consideration, an amendment to the Constitution for the purpose of authorizing the several counties of the State and the several districts of any county to levy and collect a special tax, not exceeding thirty cents on each one hundred dollars worth of taxable property in such counties and in the several districts of any county, under such regulations as the Legislature may have prescribed or may hereafter prescribe.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is proposed to be submitted to the qualified

electors of the State for their ratification or rejection at the general election to be held in November 1916 at which the amendment is proposed, to-wit: Article XIX, section 1. The several counties in the State shall have power to levy and collect a special county tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such counties in addition to that now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under section 260 of article XIV of the Constitution; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election.

Sec. 2. The several school districts of any county in the State shall have power to levy and collect a special district tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such district for public school purposes; provided, that a school district under the meaning of this section shall include incorporated cities or towns, or any school district of which an incorporated city or town is a part, or such other school districts now existing or hereafter formed, as may be approved by the county board of education; provided further, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election; provided further, that no district tax shall be voted or collected except in such counties as are levying and collecting not less than a three-mill special county school tax.

Sec. 3. The funds arising from the special county school tax levied and collected by any county shall be apportioned and expended as the law may direct, and the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district, as the law may direct.

2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their ratification or rejection.

3. That at the general election to be held as herein provided, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall

be printed the following, namely, "Shall the following be adopted as article XIX of the Constitution of Alabama? Section 1. The several counties in the State shall have power to levy and collect a special tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such counties in addition to that now authorized or that may hereafter be authorized for public school purposes; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election. Section 2. The several school districts of any county in the State shall have power to levy and collect a special tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such district for public school purposes; provided, that a school district under the meaning of this section shall include incorporated cities or towns, or any school district of which an incorporated city or town is a part, or such other school district now existing or hereafter formed, as may be approved by the county board of education; provided further, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election; provided further, that no district tax shall be voted, levied or collected except in such counties as are levying and collecting at least a three-mill special county school tax. Section 3. The funds arising from the special school tax levied and collected by any county shall be apportioned and expended as the law may direct; and the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. Yes. No." The choice of the elector shall be indicated by a cross mark by him, or under his direction, opposite the word expressing his desire.

4. The officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold other general elections in the State, and the election shall be held in all respects in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

5. That the votes cast at said election shall be counted, canvassed, and return made thereof to the secretary of State in the same manner as in elections for representatives to the

Legislature. The result of said election shall be made known by proclamation of the Governor, and if a majority of all the qualified electors who voted at said election upon the proposed amendment shall have voted "Yes," said amendment from the date of said proclamation shall be valid to all intents and purposes as a part of the Constitution of Alabama and as an article thereof.

Approved March 17, 1915.

No. 61.)

(S. 238—Judge.

AN ACT

To amend section two of an act entitled "An act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds, for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and regulate the issue, execution, sale and security of such bonds," approved August 26, 1909.

Be it enacted by the Legislature of Alabama:

Section 1. That section 2 of an act entitled An Act to authorize the holding of elections by municipal corporations in the State of Alabama, for the purpose of obtaining authority to issue bonds for public purposes herein defined, and to provide for holding such elections, and declaring the result thereof, and to authorize the issue of such bonds when a majority of the voters participating in such election vote in favor of the issue of such bonds, and to regulate the issue, execution, sale and security of such bonds approved August 26, 1909, be and the same is hereby amended so as to read as follows: Section 2. That all municipal corporations shall have full and continuing power and authority to issue and sell bonds when such issue is authorized by the election herein provided for, for the following named purposes, to-wit : (1) For the purchase of real estate necessary for any improvement authorized by law, or for the site for any building or improvement to be used for public purposes. (2) For extending, enlarging, improving, repairing or securing the more complete use of and enjoyment of any building or improvement owned, purchased or constructed by the municipality, for equipping and furnishing the same. (3) For the erection of crematories or garbage disposal plants or for the purpose of providing other means for the disposal of garb-

age and refuse matter. (4) For the construction of streets and sidewalks, and for the repairing or improving of any street, or side walk or other public highway; for opening, widening and extending any street or public highway. (5) For purchasing or condemning any land necessary for street or highway purposes, and for improving the same or paying any portion of the cost of such improving. (6) For the erecting of infirmaries, hospitals, pest houses, or for rebuilding, extending, enlarging or repairing the same. (7) For erecting prisons, work houses, police stations, houses of refuge and correction. (8) For erecting market houses and providing market places. (9) For erecting city or town halls and public offices; public school houses and buildings to be used in connection with the same. For the erection and establishment of public auditoriums and other buildings for public meetings and for the purpose of rebuilding, extending, enlarging, repairing and equipping and furnishing the same. (10) For erecting or purchasing water works to supply water to the municipal corporation, or to the inhabitants thereof, and for the purpose of repairing, extending and enlarging such water works system. (11) For erecting or purchasing lighting plants for supplying light to the municipality or to the inhabitants thereof and for the purpose of repairing, extending and enlarging the same. (12) For the purchasing or providing grounds for cemeteries or for enclosing, improving and embellishing the same; for building crematories and public burial vaults. (13) For the construction of sanitary and storm water sewers or drains, sewerage disposal plants, filtration beds, and for the purpose of acquiring land or rights of way for such purposes. (14) For establishing free public libraries and reading rooms. (15) For the establishment of public baths. (16) For improving any watercourse or water front, for constructing docks, wharves, landings, levees and embankments within the limits of the municipality or for the purpose of protecting a city from the encroachments of streams and rivers. (17) For the payment of obligations arising from emergencies resulting from epidemics or floods or other forces of nature. (18) For purchasing or condemning the necessary land for parks, boulevards and public places; for improving or completing the same, or for acquiring additional land for parks, boulevards or public places. (19) For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning land necessary therefor; for the purpose of constructing bridges or tunnels over or under any railroad track, or for the abolition of grade crossings, and for

the purpose of paying for damage caused to abutting property owners by the construction of any one of the improvements named in this subdivision. (20) For erecting any building necessary for a fire department, for the purpose of fire engines, fire boats, or fire equipment; for constructing water towers, reservoirs and cisterns, or for paying the cost of placing underground the wires or other signal apparatus of any fire department. (20½) For the purpose of providing for the payment of any obligations of any municipal corporation, whether arising from administration or from the acquisition of any property for public use or the construction of any improvement, or otherwise or whether said obligations shall have matured or not at the time of said issue. (21) For the payment of any deficiencies in the revenues of any municipal corporation; for the funding of floating debts, and for such other purposes as may be authorized by law or by the charter of any municipal corporation. (22) For the purpose of providing any money or moneys deemed necessary by the governing body to provide for the administration of the city to the expiration of the fiscal year. Provided that paragraphs 20½ and 22 of this section of this act shall apply only to cities which now have or may hereafter have a population of as much as one hundred thousand people according to the last Federal census or any such census which may hereafter be taken.

Approved February 20, 1915.

No. 63.)

(S. 217—Milner.

AN ACT

To amend section 4743 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That section 4743 of the Code of Alabama, of 1907, be and the same is hereby amended to read as follows: Section 4743. When one party furnishes the land and the team to cultivate it, and another party furnishes the labor, with stipulations, express or implied, to divide the crop between them in certain proportions, the contract of hire shall be held to exist, and the laborer shall have a lien upon the crop produced by his labor for the value of the portion of the crop to which he is entitled; and such liens shall have the same force and effect, and shall be enforced in the same manner, and under the same conditions,

and in the same cases as the lien in favor of a landlord; and this shall be true whether or not the parties by contract, either express or implied, shall agree to divide the expense of the fertilizer used in connection with the crop so raised or produced; but in any attachment suit under this section no more of the crop shall be levied on than may be necessary to satisfy the demand of the laborer.

Approved March 5, 1915.

No. 64.)

(H. 344—John.

AN ACT

To authorize the State board of examiners to issue first grade certificates to graduates of certain institutions of higher learning of this and other States; to provide for the issuance of teachers' certificates to persons holding certificates granted in other States; to authorize the extension of the terms of first grade certificates, of second grade certificates, and of third grade certificates; and to repeal section 1723 of the Code of Alabama as amended by section 4 of an act approved August 21, 1909.

Be it enacted by the Legislature of Alabama:

1. That the State board of examiners is hereby authorized to grant a first grade teachers' certificate without further examination to graduates of the "Class A" normal schools of Alabama and to the graduates of such other institutions of higher learning in this and other States as may maintain departments for teacher training meeting such requirements as may be designated by the State board of examiners; provided that certificates shall be issued only to such graduates of the different institutions as have successfully passed a minimum number of courses in education designated and approved by the State board of examiners.

2. That the State board of examiners is hereby authorized to grant a certificate of qualification to teach in the public schools of the State to any person holding a certificate, license, or diploma authorizing said person to teach in the public schools of any other State; provided, that the certificate, license or diploma shall have been originally issued for and in consideration of qualifications at least equal to those required for a certificate of the same grade in this State; provided further, that the certificate, license or diploma shall be valid in this State for the period for which it shall have been issued in the State where it was originally granted and may, in the discretion of the board of examiners, be made valid for a shorter pe-

riod. For the purpose of carrying out the provisions of this section, it is hereby made the duty of any county superintendent of education under such rules and regulations as may be prescribed by the State board of examiners, to forward to the State board of examiners within five days after the receipt thereof, any certificate, license or diploma which may have been issued in any other State and which may be placed in his hands with an application for a certificate of qualification to teach in this State. Said county superintendent of education shall accompany the certificate, license, or diploma so forwarded to the State board of examiners with any material facts of which he may have knowledge regarding the holder thereof. Upon receipt of the certificate, license, or diploma and application, the State board of examiners shall examine the same together with any facts relating thereto or to the holder thereof, which may have come to its notice, and shall within ten days thereafter either issue a certificate to applicant or transmit to the county superintendent from whom the application shall have been received, notice that the application is denied. The State board of examiners may under the authority conferred by this section, issue a first grade certificate, a second grade certificate, or a third grade certificate.

3. That the State board of examiners is hereby authorized to extend consecutively from year to year for a period of one year at a time and for a total of not more than four consecutive years, any first grade certificate, any second grade certificate, or any third grade certificate; provided, that the holder of any such certificate shall have attended some institution of higher learning for at least six weeks and shall have pursued a course of professional study designated and approved by the State board of examiners during the year next preceding the one for which extension of certificate for one year is sought to be granted.

4. The applicant for a certificate or for the extension of any certificate under the provisions of this act shall pay the same fees as are now charged applicants for certificates of the same grade.

5. That section 1723 of the Code of Alabama of 1907 as amended by section 4 of an act approved August 21, 1909, be and the same is hereby repealed.

6. All laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 17, 1915.

No. 66.)

(H. 466—Griffin.

AN ACT

To provide for, and require guarantee, or surety bonds of State officials and their assistants, clerks and employees; to fix the amount or amounts, of said bonds and to provide for the payment of the premiums of said bonds; and to provide for the approval and filing, of said bonds.

Whereas, it has been demonstrated by past experience that the State of Alabama has suffered substantial losses by the failure of certain of its officials and employees to be bonded with good and sufficient sureties; and whereas good business methods and the State's interests demand that the State should be adequately protected from loss, now therefore:

Be it enacted by the Legislature of Alabama:

Section 1. That the secretary of State, be, and is hereby, required to furnish in addition to the bond now required by law of the said secretary of State, a guarantee, or surety bond, with one, or more, good and sufficient sureties, in the sum of twenty-five thousand dollars (\$25,000.00) as ex-officio insurance commissioner. Provided however, that should the insurance department be separated, or removed from the department, or office, of the secretary of State, that the officer named, as insurance commissioner, shall comply with the provisions of this section, and the secretary of State in case of such separation or removal, of said insurance department, will not be required to furnish the additional bond herein provided.

Sec. 2. That the chief clerk in the office of the secretary of State, be, and is hereby required to furnish a guarantee or surety bond, with one or more, good and sufficient sureties in the sum of five thousand dollars (\$5,000.00).

Sec. 3. That all clerks, assistants, agents or employees under the terms and provisions of the motor vehicle law, be, and are hereby required, to furnish guarantee, or surety bonds, with one, or more, good and sufficient sureties, in the sums hereinafter named and specified, to-wit: (A) The clerk in charge of the records and collections of the department shall furnish a guarantee, or surety, bond, with one or more, good and sufficient sureties, in the sum of five thousand dollars (\$5,000.00). (B) The clerk, or assistant, who performs the duties of assistant clerk with the said clerk as herein specified in subdivision (a) of this section, shall furnish a guarantee, or surety, bond, with one, or more, good and sufficient sureties in the sum of three thousand dollars (\$3,000.00). (C) That all assistants, em-

ployees, or agents, who in any way may collect or disburse funds, or handle funds, or motor vehicle tags or number plates under the provisions of the motor vehicle law be, and are, hereby, required to furnish guarantee, or surety, bonds, with one or more, good and sufficient sureties, in the sum of not less than one thousand dollars (\$1,000.00) for each and every employee, agent, or collector. The amount of said bonds, except where herein provided, to be fixed by the officer in charge of said employees, agents, or collectors.

Sec. 4. That the president of the board of convict inspectors be, and is hereby, required to furnish a guarantee, or surety, bond with one, or more good and sufficient sureties in the sum of fifty thousand dollars (\$50,000.00). (A) That the convict inspectors, other than the president of the board of inspectors, be, and are hereby, required to furnish guarantee, or surety, bonds, with one, or more, good and sufficient sureties in the sum of twenty-five thousand dollars (\$25,000.00) each. (B) That the chief clerk of the board of convict inspectors, be, and is hereby, required to furnish a guarantee, or surety, bond, with one, or more, good and sufficient sureties, in the sum of twenty-five thousand dollars (\$25,000.00). (C) That the assistant clerk of the board of convict inspectors, be, and is hereby, required to furnish a guarantee, or surety, bond, with one, or more, good and sufficient sureties, in the sum of three thousand dollars (\$3,000.00). (D) That all other employees in the office of the board of convict inspectors, be, and are hereby, required to furnish guarantee, or surety, bonds, with one, or more, good and sufficient sureties, in the sum to be fixed by the president of the board of convict inspectors, but in no case to be for a less sum than one thousand dollars (\$1,000.00). (E) That each and every warden, and every deputy warden, of a State prison, or camp, or place of confinement, or detention, for the convicts of the State, be, and are hereby, required to furnish guarantee, or surety, bonds, with one, or more, good and sufficient sureties, in the sums to be fixed by the board of convict inspectors, but in no case shall the bond herein provided for be in a less sum than one thousand dollars (\$1,000.00) for each warden and each deputy warden.

Sec. 5. That the chief clerk in the office of the State auditor, be and is hereby required, to furnish a guarantee, or surety, bond, with one or more, good and sufficient sureties, in the sum of five thousand dollars (\$5,000.00). And the warrant clerk in the office of the State auditor, be, and is hereby, required, to furnish a guarantee, or surety, bond, with one or more, good

and sufficient sureties in the sum of five thousand dollars (\$5,000.00).

Sec. 6. That the chief clerk in the office of the State treasurer, be, and is hereby, required, to furnish a guarantee, or surety, bond, with one, or more, good and sufficient sureties, in the sum of not less than five thousand dollars (\$5,000.00), provided that the amount of the said bond may be fixed at a greater sum when so required by the State treasurer; and that all other clerks, in the office of the State treasurer, are hereby required to furnish, a guarantee, or surety, bond, with one or more good and sufficient sureties, in the sum of five thousand dollars (\$5,000.00), for each clerk employed in the office of the State treasurer.

Sec. 7. That the chief clerk in the office of the superintendent of education, be, and is hereby, required, to furnish a guarantee, or surety, bond, with one or more, good and sufficient sureties in the sum of five thousand dollars (\$5,000.00) and that the bookkeeper in the office of the superintendent of education, be, and is hereby, required, to furnish a guarantee, or surety, bond, with one, or more, good and sufficient sureties, in the sum of three thousand dollars (\$3,000.00).

Sec. 8. That the assistant attorneys general, two in number, be, and are, hereby, required to furnish guarantee, or surety, bonds, with one or more good and sufficient sureties, in the sum of three thousand dollars (\$3,000.00) each.

Sec. 9. That the adjutant general be, and is hereby required, to furnish a guarantee, or surety bond, with one or more, good and sufficient sureties, in the sum of five thousand dollars (\$5,000.00); and the assistant adjutant general, or chief clerk in the adjutant general's office, be, and is hereby, required to furnish a guarantee, or surety, bond, with one or more, good and sufficient sureties, in the sum of three thousand dollars (\$3,000.00).

Sec. 10. That the State health officer be, and is hereby required to furnish a guarantee, or surety, bond, with one or more good and sufficient sureties, in the sum of five thousand dollars (\$5,000.00).

Sec. 11. That the prison inspector be, and is hereby required, to furnish a guarantee, or surety bond, with one or more good and sufficient sureties, in the sum of five thousand dollars (\$5,000.00).

Sec. 12. That the examiners of accounts be, and are hereby required, to furnish guarantee, or surety bonds, with one or more good and sufficient sureties, in the sum of three thousand dollars (\$3,000.00) each.

Sec. 13. That the chief clerk in the office of the pure food department of the office of the commissioner of agriculture and industries, be, and is hereby required to furnish a guarantee, or surety bond, with one or more good and sufficient sureties, in the sum of three thousand dollars, (\$3,000.00).

Sec. 14. That the guarantee, or surety bonds herein required, shall be, secured and issued by any qualified guarantee or surety company, or companies, which said company, or companies, have deposited with the State treasurer, at least fifty thousand dollars, (\$50,000.00) worth of securities as required by law, and which said companies are in all respects qualified to transact business in the State of Alabama. Provided, however, that if any of the officers, assistants, clerks, agents, or employees, of the State of Alabama are unable to procure the said bond, or bonds, in such guarantee, or surety company or companies, satisfactory to the Governor, then in that event, the said officers, assistants, clerks, agents or employees of the said State of Alabama, may make said bond or bonds with personal sureties; the said personal sureties to be approved by the Governor.

Sec. 15. That when a bond or bonds shall be secured or insured by a guarantee, or surety company, or companies, the amount of the annual premium to be paid such guarantee, or surety company, or companies, for such suretyship, or insurance of said bonds, shall be paid by the State of Alabama, out of the funds in the State treasury; and that the amount or amounts due for said annual premiums, for said bonds, shall be paid by the warrant of the State auditor, drawn on the State treasurer; provided that bills for the said annual premiums shall first be approved by the Governor.

Sec. 16. That unless, heretofore, or hereafter specifically provided by statute, the several bonds herein provided for shall be made to the State of Alabama.

Sec. 17. That all bonds herein provided for, shall be approved by the Governor, and after approval, filed in the office of the State auditor; and provided when the said bond is filed in the office of the State auditor, the said bond shall be made a matter of public record. And provided bonds of clerks in the auditor's office shall be filed in the office of the secretary of State.

Sec. 18. That all officers, clerks, assistants, agents, or employees of the State of Alabama, who are required to furnish bonds, as herein provided, shall within thirty days, after the approval of this act, file the required bond as herein provided.

Sec. 19. That the intent and purposes of this act are to require good and sufficient guarantee, or surety, bonds, of the officers, assistants, clerks, agents and employees of the State of Alabama, not now required by law, to furnish guarantee, or surety bonds; and that the said bonds, herein required shall in all respects conform to sections 1500 and 1501 of the political Code of Alabama, of 1907.

Sec. 21. That in the event that any office or position herein named, should be abolished, terminated or consolidated, with other office or position, then the bond herein provided shall be cancelled on those employees, who by reason of the termination of their positions, will not be continued in the service of the State.

Sec. 22. That all bonds required by the provisions of this act, may be made in qualified guarantee or surety companies, and that the premium of said bonds shall be fixed at a sum not to exceed twenty-five cents for each one hundred dollars of liability. Provided, however, that the minimum charge for the premium on any bonds required herein shall be five dollars, (\$5.00).

Sec. 23. That the provisions of this act shall become effective thirty (30) days after its approval by the Governor.

Approved February 20, 1915.

No. 72.)

(S. 125—Hill.

AN ACT

To provide for the publication of all local acts or laws.

Be it enacted by the Legislature of Alabama:

Section 1. That the courts of county commissioners, boards of revenue, or other governing body of the several counties of this State, may have published, at the expense of the county, within sixty days after the adjournment of each session of the Legislature, any or all laws of a local nature; said laws to be published in a newspaper published and, at least, partly printed in the county, which newspaper shall be permanently established and of general circulation in such county to which such laws relate.

Sec. 2. Boards of revenue or courts of county commissioners of the several counties of this State, who desire publication of local acts, as herein provided, shall procure from the secre-

tary of State, certified copy of any laws affecting their respective counties, and procure bids for the publication of said laws, and contract with the lowest responsible bidder for the publication of said law for three insertions, and the courts of county commissioners or boards of revenue may contract for the publication of said laws on the basis of the lowest price in proportion to the circulation of newspapers bidding. The newspaper selected to publish said laws shall furnish to all county and precinct officers, copies of the paper containing such publications; and the judge of probate shall preserve in his record book copies of such publications, which record book shall become a public record in the office of the probate judge.

Sec. 3. The cost of publication to the county, shall, in no instance, exceed the rate now announced by law, for legal publications.

Sec. 4. The provisions of this act shall become effective in sixty days after adjournment of the Legislature of nineteen hundred and fifteen, but this act shall not apply to counties having a population of two hundred thousand as shown by the last census.

Sec. 5. Nothing herein contained shall repeal any local laws regulating publication of local acts in any county where such laws exist.

Approved March 5, 1915.

No. 74.)

AN ACT

(S. 242—Hill.

To amend section 2411 of the Code of Alabama as amended by an act of the Legislature approved August 25th, 1909.

Be it enacted by the Legislature of Alabama:

Section 1. That section 2411 of the Code of Alabama of 1909 be amended so as to read as follows: 2411 (4135) When license money refunded.—When any person has taken out and paid for a license to carry on any business in this State, and has afterwards been prohibited by law from carrying on such business before the time named in the license has expired, such person shall be entitled to have refunded to him such proportionate part of the whole sum paid for such license as the unex-

pired time thereof bears to the whole time for which the license was originally granted; and any person who, through a mistake or error in the probate judge, has paid to the probate judge money that was not due from him for such license, or by such mistake has paid to the probate judge for such license an amount in excess of that required by law for the business to be carried on by such person under the license, such person shall be entitled to have refunded to him the amount in either event so erroneously collected by the probate judge, and the provisions of this section shall apply in cases where money has heretofore been so erroneously paid within two years before the approval of this act; provided that where any person has been prohibited by law from carrying on such business before the judge of probate has paid over said license to the proper authorities it shall be the duty of said the judge of probate to refund to said person or persons such proportionate part of the whole sum paid for such license, less commission for collection, as the unexpired term thereof bears to the whole time for which the license was originally granted. The judge of probate shall only report and pay over the residue of such license collected and file with the State auditor the receipt from the person to whom the proportionate part of license was paid and said receipt shall be a full release to the judge of probate.

Sec. 2. This act shall become effective immediately upon the approval of the Governor.

Approved February 22, 1915.

No. 75.)

(S. 302—Holmes.

AN ACT

To repeal section 770 of the Code of Alabama, of 1907, and to repeal an act to amend section 770 of the Code of Alabama, of 1907, approved Aug. 20th, 1909.

Be it enacted by the Legislature of Alabama:

That section 770 of the Code of Alabama, of 1907, and an act to amend section 770 of the Code of Alabama, of 1907, approved August 20th, 1909, be and the same are hereby repealed.

Approved March 17, 1915.

No. 77.)

(S. 166—Hill.

AN ACT

To regulate and provide for the notice of pending suits and writs affecting real estate in this State, and to prescribe how notice of pending suits affecting, and levies upon real estate shall be given; and how the same shall affect purchasers of real estate, and to require the judge of probate of each county in this State to keep in his office a suitable book to be called a "Lis Pendens Record."

Be it enacted by the Legislature of Alabama:

Section 1. That the judge of probate of each county in this State, shall keep in his office, as a public record, a suitable book, to be called a "Lis Pendens Record."

Sec. 2. *Be it further enacted*, That when any person shall begin a suit in any court, to enforce a lien upon, right to, interest in, or to recover any real estate, such person shall file with the judge of probate of each county, where the real estate, or any part thereof is situated, a notice containing the names of all the parties to the suit, or proceedings, a description of the real estate, and a brief statement of the nature of the lien, writ or suit sought to be enforced. The judge of probate shall immediately file and record the notice in the lis pendens record, and note on it and in the record the hour and date of the filing and recording.

Sec. 3. *Be it further enacted*, That when a sheriff, constable, United States marshal or other officer, shall levy upon real estate by virtue of any process, he shall file with the judge of probate of each county where the real estate or any part thereof is situated, a notice of the levy, showing the names of the parties to the proceedings, the kind of process, and a description of the real estate levied on. The judge of probate shall file and record and note upon the notice and record, as required in the preceding section.

Sec. 4. *Be it further enacted*, That the judge of probate, upon filing and recording each notice, shall index the same, both directly and indirectly, under the names of each party to the proceeding.

Sec. 5. *Be it further enacted*, That, if a person beginning any suit affecting, or if any officer levying any process upon real estate, shall fail to have the required notice entered in the lis pendens record, such suit or levy shall not affect the rights of a bona fide purchaser of such real estate unless they have actual notice of the suit or levy.

Sec. 6. *Be it further enacted*, That where the proceedings in or as to the suit or levy, notice of which has been entered in the lis pendens record, shall be terminated, whether on the merits or not, the court wherein the same were pending, shall direct the judge of probate, who has the custody of the record, to make such entry thereof, as it shall prescribe, to give notice of the result of the proceeding, and of the devolution of the real estate, and the judge of probate shall at once, on presentation thereof, file and record the prescribed entry, and note the date of filing and recording on the record.

Sec. 7. *Be it further enacted*, That if any judge of probate shall fail to perform any of the duties herein required of him, he shall be liable on his official bond to any party injured for all damages he may sustain, and if any sheriff, constable, marshal or other officer shall fail to file the notice provided for in this law, upon the levy by him of any process on real estate, he shall be liable on his bond for all damages resulting therefrom.

Sec. 8. That any notice filed with the judge of probate hereunder, shall be recorded in such record in full, and the original of such notice shall bear the endorsement of the time of filing for record, and the book and page wherein such notice is recorded.

Sec. 9. That the judge of probate for the services herein, required of him, shall receive a fee of fifteen cents for each one hundred words for recording such notice, which fee shall be paid by the person filing the same.

Sec. 10. That nothing herein contained shall affect any pending suit, existing right, title, claim, interest or demand.

Approved March 5, 1915.

No. 79.)

(H. 484—Greene.

AN ACT

To submit to the qualified electors of each of the counties of this State the question of whether or not the work of tick eradication shall be taken up in said county, under the State Live Stock Sanitary Board as provided by law.

Be it enacted by the Legislature of Alabama:

Section 1. That upon the application of twenty-five per centum of the qualified electors of any county in this State by petition in writing signed in person by such qualified electors addressed to and filed with the probate judge of such county, ask-

ing that an election be held in said county for the purpose of submitting to the qualified electors thereof the question of whether or not the work of tick eradication shall be taken up in said county, under the State live stock sanitary board as provided by law, he shall within ten days after the presentation of such petition order an election to be held in such county, within forty days from the time of making such order to determine the question whether or not the work of tick eradication shall be taken up in said county under the State live stock sanitary board as provided by law.

Sec. 2. That in determining the number of qualified electors required as petitioners for the calling of any election under this act, the total number of votes cast in the county for all persons for the office of Governor of this State at the general election last preceding such proposed election, shall be deemed and considered the total number of the qualified electors of the county for this act and not less than twenty-five per cent of such number shall be sufficient as petitioners for the calling of an election under this act.

Sec. 3. That notice of such election shall be published for three weeks preceding the election in some newspaper published in such county, or if there is no newspaper published therein, by posting notice thereof for the same period of time as required for publication in a newspaper, at the court house and five other public places in said county. The probate judge shall provide for and give the publication and notice required under this section.

Sec. 4. That the officers to conduct said election shall be appointed in the same way that officers are now appointed to conduct the general State elections in this State, and they shall be notified of their appointment as such election officers as is provided by the election laws of this State and the election officers shall receive the same pay as they receive for holding elections under the laws of this State.

Sec. 5. That the ballot used in said election shall have printed thereon: "For tick eradication." "Against tick eradication," and shall be printed in such way as to enable each elector to express intelligently and clearly his choice by making a cross mark opposite one of the phrases on said ballot.

Sec. 6. The probate judge shall provide the necessary ballots, poll lists, tally sheets, return sheets and other material and stationery necessary for the proper holding of said election and shall see that the same is delivered to the election officers in each precinct before the day of the election.

Sec. 7. That the provisions of the general election laws of this State shall govern the conduct of all elections held under this act, as to the conduct of same and the counting the votes and declaring the results and that it shall be conducted in all respects as regular State elections are conducted, unless otherwise provided herein.

Sec. 8. The returns shall be canvassed by the probate judge, sheriff and circuit clerk as the returns of regular elections are conducted, and they shall make five copies of the result of said election and file one with the commissioners' court, and send one to the State veterinarian, and post a copy at the court house door, and one shall be filed in the probate office of said county.

Sec. 9. If a majority of the electors voting in said election shall vote in favor of tick eradication, the work shall be taken up in said county within three months after said election, as is provided by law, and if a majority of the electors vote against tick eradication, the work shall not be taken up in said county until another election can be held, and a majority vote for same.

Sec. 10. That all persons who are qualified electors in said county under the laws of this State can vote in said election, and an election held under the provisions of this act, may be contested in the same manner as the general election laws of this State provide for the contest of an election for the office of probate judge.

Sec. 11. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 11½. No election shall be held in any county upon the question of tick eradication oftener than once in every two years.

Approved March 5, 1915.

No. 82.)

AN ACT

(H. 72—Yarbrough.

To regulate the practice of veterinary medicine and surgery in the State of Alabama and establish a veterinary medical examining board.

Be it enacted by the Legislature of Alabama:

Section 1. That every person who shall practice veterinary medicine and surgery in Alabama, or who shall assume, or use or cause to be used any title pertaining to the practice of veterinary medicine or surgery shall be a graduate of a legally char-

tered veterinary college, or university, which requires an attendance of three years of not less than eight months in each year at said college or university to obtain the degree of doctor of veterinary medicine or an equivalent title, except as hereinafter provided in sections 2 and 3 and twelve.

Sec. 2. Any person of good moral character, who has practiced veterinary medicine and surgery in the State of Alabama for a period of three years immediately preceding the passage of this act, and who shall present to the State board of veterinary medical examiners satisfactory evidence thereof, shall be granted a permit to practice veterinary medicine and surgery in Alabama; provided, said person or persons meets the requirements of this act, and pays his registration fee and annual dues as hereinafter provided. Said person or persons desiring the benefits derived from this section must apply for said permit within six months after the appointment and organization of the State board of veterinary medical examiners of Alabama.

Sec. 3. Any person who is a resident of Alabama, and who is a graduate of a legally chartered and authorized veterinary college or university at the time of the passage of this act shall be entitled to registration and a license to practice veterinary medicine and surgery in the State of Alabama, providing said person complies with the requirements of this act, pays the fees as hereinafter provided and makes application for registration and license within ninety (90) days after the State board of veterinary medical examiners of Alabama organize following the passage of this act. Said applicant shall present the required evidences and his diploma to the State board of veterinary medical examiners at the time he applies for registration and license.

Sec. 4. That a State board of veterinary medical examiners is hereby established to consist of five (5) members who shall be in good standing and members of the State veterinary medical association of Alabama and graduates of a legally chartered and accredited veterinary medical college and each member shall hold his membership until his successor is appointed and duly qualified. The members of the State board of veterinary medical examiners shall be appointed by the Governor of Alabama within thirty days after the passage of this act, and thereafter as vacancies shall occur.

Sec. 5. The members of the first State board of veterinary medical examiners shall serve as follows: There shall be appointed one member for one year; one for two years; one for three years; one for four years; and one for five years. All

appointments thereafter shall be made by the Governor for a period of five years. This board shall elect from its members, a president, and a secretary-treasurer. This board shall have an official seal, and shall have power to call witnesses and take testimony bearing on the records of applicants for permits or for licenses to practice veterinary medicine and surgery in Alabama.

Sec. 6. The State board of veterinary medical examiners shall meet within thirty (30) days after their appointment, organize and adopt such rules and regulations as they may deem necessary to carry on the business of the board, conduct examinations, issue permits and licenses. This board shall meet at least twice a year and the time and place and objects of each meeting shall be specifically stated, and each member shall be notified in writing ten days prior to the time of each meeting. Public notice of the time and place shall be given in not less than three daily papers of Alabama.

Sec. 7. Every person registered, and licensed to practice in Alabama, by examination or otherwise, shall pay a fee of ten (\$10.00) dollars and an annual fee of one dollar thereafter. Every person given a permit shall pay a registration and permit fee of ten dollars (\$10.00) and an annual fee of one dollar thereafter. These fees shall be paid to the board of veterinary medical examiners and the funds thus collected shall be used to pay the legal expenses of the board, and shall be accounted for in detail by the secretary-treasurer.

Sec. 8. Every person who complies with the requirements of this act shall have his name recorded by the county clerk in the county in which he resides. He shall pay one dollar for the recording of his name. The county clerk shall not be permitted to record any person who does not present his State license or permit entitling him to be recorded. This record shall be required only once providing the person keeps up his practice and annual dues to the State board of veterinary medical examiners. It may be required a second or third time, or as often as he renews his standing with the State board of veterinary medical examiners.

Sec. 9. No person who is not a holder of a license or permit from the State board of veterinary medical examiners, and no person who fails to have his license or permit annually renewed shall engage in the practice of veterinary medicine and surgery for hire in the State of Alabama.

Sec. 10. Every graduate of a legally chartered veterinary college which requires an attendance of three years of not less

than eight months each to obtain a degree in veterinary medicine and surgery shall be entitled to an examination by the board upon payment in advance of a fee of fifteen dollars (\$15.00) such graduates may apply for, and receive, special and limited permits to practice with an office at a specified place until the State board of veterinary medical examiners shall meet, give examinations, and pass on said examinations. A travelling veterinarian shall not be allowed to travel and practice in Alabama until he passes the required examinations and is issued a license to practice in Alabama. A travelling veterinarian shall keep the secretary of the veterinary medical examining board informed of all changes in his postoffice address and give the time and the places he enters to practice in the State of Alabama.

Sec. 11. The State board of veterinary medical examiners shall hold at least two (2) examinations each year and as many more as they may deem necessary, at such place and time as they may legally call and advertise. At least three of the members must be present at the time said examinations are conducted. Said examinations shall be theoretical and practical and may be written, oral or both. Said examinations shall include the following subjects: Veterinary anatomy, surgery, veterinary medicine, obstetrics, pathology and bacteriology, therapeutics and pharmacy, veterinary physiology, animal husbandry and dairying, meat inspection, milk inspection, chemistry, veterinary sanitation.

Sec. 12. This act shall not prevent, interfere with, or punish veterinarians of the United States Army, or of the bureau of animal industry, or State live stock sanitary board inspectors from attending to their respective duties in the State of Alabama. This act shall not prohibit qualified practitioners of other States consulting with registered practitioners of Alabama or prevent registered veterinarians of other States who reside on or near the State line from practicing in Alabama, providing said veterinarians of other states shall obtain a license and become registered in Alabama. Nothing in this act shall apply to persons gratuitously treating animals in cases of emergency in localities where a registered or licensed veterinarian cannot be secured. Nothing in this act shall prevent persons in rural districts or small towns or other places where the services of a licensed veterinarian cannot be secured for operating on or prescribing for domestic animals. Nothing in this act shall prevent any person from castrating or spaying or dehorning domestic animals. But the gratuitous and emergency worker,

the rural operator and prescriber, the castrator, spayer or dehorner shall not use or assume any title appertaining to the practice of veterinary medicine and surgery. Nothing in this act shall prevent students in legally chartered veterinary colleges from practicing under preceptors after such students have completed one college year and from the end of one college session to the beginning of another college session. Nothing in this act shall prevent properly instructed and official county, State and Federal farm demonstrators and other properly instructed persons from administering hog cholera serum. The State veterinary medical board may receive or reject the registration license from any other State or country whose standards equal the Alabama requirements.

Sec. 13. The members of the State board of veterinary medical examiners during the first five years after the passage of this act shall receive actual expenses while traveling to and from legal meetings and transacting such other business as the board may authorize. After a period of five years following the passage of this act each member of the board may receive (\$5.00) dollars a day and actual expenses while attending meetings or other official duties. The secretary-treasurer shall receive a salary of forty dollars a year and actual expenses and shall be required to make semi-annual reports in detail to the examining board. The legal expenses of the board shall be paid by the board from the license and permit fees. In no case shall the State of Alabama be called upon to pay the expenses of the State board of veterinary medical examiners, or any debts contracted by the said board.

Sec. 14. Any person who shall practice veterinary medicine or surgery without having obtained a license or a permit from the State board of veterinary medical examiners in accordance with the provisions of this act, upon conviction, for each and every violation, shall be fined not less than twenty-five (\$25.00) dollars or more than one hundred (\$100.00) dollars. The State board of veterinary medical examiners, or any legally licensed veterinarian, or any citizen of Alabama, may help the solicitor in prosecuting a person or persons for violating any one or more of the provisions of this act.

Approved March 17, 1915.

No. 83.)

(H. 591—John.

AN ACT

To provide for the payment of the expenses incurred by the doorkeeper of the House, and the doorkeeper of the Senate.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, to pay the expenses incurred by the door keeper of the House and the door keeper of the Senate.

Sec. 2. That the State auditor is hereby authorized and directed to draw his warrants on the State treasury in favor of the door keeper of the House, and the door keeper of the Senate for whatever amounts may be necessary not in excess of one thousand dollars, when the accounts of said door keeper are approved by the presiding officers of the respective houses.

Approved March 8, 1915.

No. 84.)

(H. 593—Greene.

AN ACT

To amend section 757 of the Code of Alabama, 1907.

Be it enacted by the Legislature of Alabama:

That section 757 of the Code of Alabama 1907 be and the same is hereby amended so as to read as follows: 757. State Live Stock Sanitary Board Established. The commissioner of agriculture and industries of the State of Alabama, the dean of the college of veterinary science, and the professor of animal industry at the Alabama Polytechnic Institute and two actual live stock breeders who are to be appointed by the Governor, shall constitute a board to be known as the State live stock sanitary board. The commissioner of agriculture and industries shall be the chairman and the veterinarian of the board shall be the secretary of the board. The two appointed members shall receive no salary, but shall be paid their actual expenses while on actual duty in carrying out the provisions of this article. They shall serve for four years and until their successors are appointed and qualified.

Approved March 17, 1915.

No. 85.)

(H. 387—Pruett.

AN ACT

To classify widows of Confederate soldiers or sailors, according to age, to reclassify all widows of Confederate soldiers or sailors, according to age, now on the pension rolls or who may hereafter be placed on the pension rolls and to make an appropriation to provide for such reclassification.

Be it enacted by the Legislature of Alabama:

1. That all widows of Confederate soldiers or sailors, now on the pension rolls, or who hereafter may be placed on the pension rolls under the laws of this State, shall be divided into three classes, as follows: Widows over the age of eighty years, or totally blind, shall be class numbered one; those over seventy years of age shall be class numbered two; all others who are entitled to pensions shall be class numbered three.

2. That the State auditor is hereby required to reclassify all widows of Confederate soldiers or sailors, now on the pension rolls, according to age, as provided in the first section of this act.

3. That immediately after the passage of this act, the auditor shall prepare a blank affidavit, shall forward same to the judge of probate of the county in which the widows who are now on the roll reside, whose duty it shall be to forward same to widows. In which blank they shall be required to set forth their ages, the names of their husbands through whose services they claim the right to pensions together with their permanent postoffice addresses; and on the blank shall be a statement by the auditor setting forth the object and purpose thereof.

4. That after the affidavits have been returned, the reclassification shall be made, and thereafter such widows shall be paid the same amount according to class as are now paid the Confederate soldiers of these classes.

5. That it shall be the duty of the State auditor to require all future applicants for Confederate widows' pensions to state their ages in the application, and to class them in accordance with the classification herein provided.

6. That the auditor is hereby authorized to expend from the Confederate pension fund not exceeding the sum of two hundred and fifty dollars (\$250.00), to meet the expense of postage, printing and clerical services necessary to cause the reclassification required by this act.

Approved March 8, 1915.

No. 87.)

(H. 307—Fite, Tuscaloosa.

AN ACT

To amend section three (3) of an act entitled "An act to fix the amount of capital of and deposit with the State treasurer by miscellaneous insurance companies, excepting mutual aid associations," approved August 19th, 1909.

Be it enacted by the Legislature of Alabama:

Section 1. That section three (3) of an act entitled "An act to fix the amount of capital of and deposit with the State treasurer by miscellaneous insurance companies, excepting mutual aid associations," approved August 19th, 1909, be amended so as to read as follows: 3. That before any foreign insurance company of the kind described in section 1 of the act approved August 19th, 1909, entitled an act to fix the amount of capital of and deposit with the State treasurer by miscellaneous insurance companies, excepting mutual aid associations, shall be authorized to do business in this State such company must, in addition to complying with all other requirements of law in such cases provided satisfy the insurance commissioner that it is fully and legally organized under the laws of the State or government to do the business it proposes to transact; that it has on deposit with the treasurer of the State or government, or with the proper officer of some other State, securities to the actual cash value of one hundred thousand dollars, consisting of State bonds, United States bonds, municipal bonds where the total bond issue of such municipality does not exceed five (5) per centum of the taxable value of property situated therein, or notes secured by mortgages on real estate for the double the amount; all of which securities shall be subject to the approval of the insurance commissioner of this State; and such companies shall file with the insurance commissioner of this State the certificate of the official with whom the securities are deposited stating the name and amount of each of said bonds, notes or mortgages and that he is satisfied they are worth at least one hundred thousand dollars, and that the deposit is made with him by the company for the protection of all the policy holders and creditors in the United States.

Sec. 2. That this act shall take effect immediately upon its approval by the Governor.

Approved February 22, 1915.

No. 88.)

(H. 502—Wilson.

AN ACT

To repeal section 770 of the Code of Alabama, of 1907, and to repeal an act to amend section 770 of the Code of Alabama, of 1907, approved August 20th, 1909.

Be it enacted by the Legislature of Alabama:

That Section 770 of the Code of Alabama, of 1907, and an act to amend section 770 of the Code of Alabama, of 1907, approved August 20th, 1909, be and the same are hereby repealed.
Approved February 19, 1915.

No. 89.)

(H. 308—Fite, Tuscaloosa.

AN ACT

To amend section 1889 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That section 1889 of the Code be amended so as to read as follows: Section 1889. Medical department of the University of Alabama. The corporation styled the Medical College of Alabama is dissolved, and the institution heretofore known as the Medical College of Alabama is constituted the Medical Department of the University of Alabama, and shall hereafter be under the sole management, ownership, and control of the board of trustees of the University of Alabama, provided that the said medical department shall remain at Mobile, so long as it can be maintained in that city as a Class A School of Medicine as defined by the Council on Medical Education of the American Medical Association. "Whenever the Council on Medical Education of the American Medical Association informs the trustees of the University that it proposes to lower the classification of said medical department, said trustees shall order the removal of the said medical department to Tuscaloosa or elsewhere, that may offer the best advantages and inducements to be conducted in such manner as the trustees of the University of Alabama may elect, provided that the courses offered shall conform to recognized standards." All appropriations of moneys which have heretofore been made to said medical college (or department) or which may hereafter be made in aid of said medical department of the University of Alabama

shall be paid to the trustees of the University of Alabama to be used in such manner they may from time to time direct.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same hereby are repealed.

Approved February 18, 1915.

No. 89.)

(S. 67—Milner.

AN ACT

To amend section 4742 of the Code of 1907.

Be it enacted by the Legislature of Alabama:

That section 4742 of the Code of 1907 be, and is hereby amended to read as follows, 4742.—When one party furnishes the land, and another party furnishes the labor and team to cultivate it, with stipulations, express or implied, to divide the crop between them in certain proportions, the relation of landlord and tenant with all its incidents, and to all intents and purposes, shall be held to exist between them; and the portion of the crop to which the party furnishing the land is entitled shall be held and treated as the rent of the land, and this shall be true whether or not the parties by express agreement or by implication are to share in the expense of any fertilizer used on the land in connection with said crops.

Sec. 2. That nothing in this act, shall be construed or held to effect any cause pending in any court, or any contract, demand, or existing right, executed or created before the approval of this act; or any remedy for the enforcement of any such contract, demand or right.

Approved March 8, 1915.

No. 90.)

(S. 42—Lusk.

AN ACT

To further regulate the admission of evidence concerning disputed writings.

Be it enacted by the Legislature of Alabama:

Section 1. That comparison of a disputed writing with any writing admitted to be genuine or proven to the reasonable satisfaction of the court to be genuine shall in civil and criminal

cases be permitted to be made by witnesses who are qualified as experts or being familiar with the handwriting of the person whose handwriting is in question and such writings and the evidence of witnesses respecting the same may be submitted to the court or jury trying the case as evidence of the genuineness or otherwise of the writings in dispute.

Sec. 2. This act shall take effect sixty days after the approval thereof.

Approved March 6, 1915.

No. 91.)

(S. 31—Pride.

AN ACT

To amend rule 1 of Chancery Rules page 1529 Code of Alabama 1907.

Be it enacted by the Legislature of Alabama:

1. That rule 1 of chancery rules, page 1529 Code of Alabama, be and the same is hereby amended so as to read as follows: The chancery court shall always be open for the transaction of any business therein, but the court shall not have the power to open, or set aside any final decree after the lapse of thirty days from the date of its rendition.

Approved March 17, 1915.

No. 92.)

(S. 228—Milner.

AN ACT

To amend section 3236 of the Code of Alabama, of 1907.

Be it enacted by the Legislature of Alabama:

That section 3236 of the Code of Alabama, of 1907, be, and the same is hereby amended so as to read as follows: Section 3236. The circuit courts in the sixth judicial circuit shall be held in each year as follows: 1. In the county of Lamar, on the third Monday in February and August, and may continue three weeks. 2. In the county of Fayette, on the third Monday after the third Monday in February and August, and may continue two weeks. 3. In the county of Greene on the fifth Monday after the third Monday in February and August, and may continue three weeks. 4. In the county of Sumpter, on the eighth Monday after the third Monday in February and August, and may continue three weeks. 5. In the county of Pickens, on the eleventh Monday after the third Monday in February and Au-

gust, and may continue two weeks. 6. In the county of Tuscaloosa, on the thirteenth Monday after the third Monday in February and August, and may continue six weeks.

Approved February 23, 1915.

No. 93.)

(S. 33—Pride.

AN ACT

To amend section 6296 of the Code of 1907.

Be it enacted by the Legislature of Alabama:

1. That Section 6296 of the Code of 1907 be and the same is hereby amended so as to read as follows: 6296—(4337) (3781) (4347) (3698) (152) Arson in the second degree.—Any person who willfully sets fire to, or burns, any church, meeting house, court house, town house, college, academy, jail, or other building erected for public use, or any banking house, warehouse, cotton house, gin house, store, manufactory, or mill, which, with the property therein contained, is of the value of five hundred dollars or more, or any car, car shed, barn, stable, cotton house, or cotton pen containing cotton, or corn, crib, or corn pen containing corn, or any shop, or office, or outhouse within the curtilage of any dwelling house or other building by the burning whereof any building hereinbefore specified in this section is burned, or who willfully sets fire to, or burns any uninhabited dwelling house, or any steamboat or vessel in which there is at the time no human being, is guilty of arson in the second degree, and must, on conviction, be punished by imprisonment in the penitentiary for not less than two nor more than twenty years.

Approved March 5, 1915.

No. 94.)

(S. 105—Key.

AN ACT

Fixing the fees of solicitors for convictions for the illegal manufacture of spirituous, vinous or malt liquors, or intoxicating drinks.

Be it enacted by the Legislature of Alabama:

Section 1. That the solicitor's fee to be taxed against any defendant convicted on a charge of the illegal manufacture of spirituous, vinous or malt liquors, or intoxicating drinks, shall be thirty dollars.

Approved March 17, 1915.

No. 96.)

(S. 34—Pride.

AN ACT

To amend section 2838 of the Code.

Be it enacted by the Legislature of Alabama:

That section 2838 of the Code is amended so as to read as follows: 2838—Appeals from certain interlocutory decrees. From any decree rendered by the chancery court in term time, or by the chancellor in vacation, or by the county courts of law and equity in term time, or by the judge of such, sustaining or overruling a demurrer to a bill in equity or to a cross-bill, an appeal lies from such decree, to be taken within thirty days from the rendition thereof, to the Supreme Court. Such appeal shall be heard and determined by the Supreme Court in preference to all other appeals except appeals in criminal cases; and if the decree is reversed, the court shall render such decree as should have been rendered by the court, chancellor or judge below; but nothing in this section shall prevent an assignment of errors on such decrees on appeals taken on the final determination of the cause, if no appeal is taken under this section.

Approved March 17, 1915.

No. 97.)

(S. 195—Pride.

AN ACT

To amend section 7700 of the Code of 1907.

Be it enacted by the Legislature of Alabama:

1. That section 7700 of the Code, be and the same is hereby amended so as to read as follows: 7700 (5448) Carnal knowledge of girl over twelve and under sixteen years of age.—Any person who has carnal knowledge of any girl over twelve and under sixteen years of age, or abuses such girl in the attempt to have carnal knowledge of her, must on conviction, be punished at the discretion of the jury, by imprisonment in the penitentiary for not less than two nor more than ten years. This section however, shall not apply to boys under sixteen years of age.

Approved March 17, 1915.

No. 98.)

(S. 119—Lusk.

AN ACT

To further regulate settlements of accounts of deceased guardians, executors and administrators and to enforce judgments rendered thereon.

Be it enacted by the Legislature of Alabama:

Section 1. That in case of the death of an executor, administrator or guardian without having made a final settlement of his executorship, administration or guardianship and there shall not have been granted letters of administration or testamentary on his estate, the sureties on his official bond may proceed to make settlement of his administration of said estate as guardian, executor or administrator in the probate court having jurisdiction thereof by filing an account and vouchers for final settlement with the heirs and distributees, or with the administrator de bonis non or the succeeding guardian or cestui que trust or minors and guardian ad litem, where minors are interested.

Sec. 2. That should an administrator or executor of such deceased executor or administrator or guardian be appointed at any time before final decree any party to the proceeding may, on motion, have such executor or administrator of such deceased executor, administrator or guardian made a party to such settlement on ten days notice.

Sec. 3. That in any case where an executor, administrator or guardian shall die without having made a final settlement of his administration or guardianship and a successor is appointed such succeeding executor, administrator or guardian or the heirs and distributees, legatees, cestui que trust may by petition to the court in which such estate is pending have an order requiring the sureties on such bond to make settlement of such estate in said court after ten days notice of the day fixed by the court or judge thereof.

Sec. 4. That in all such cases provided for in the preceding section the settlement therein provided for shall be final and conclusive against such sureties save the right of review by appeal or otherwise as now provided by law.

Sec. 5. That execution and all other final process may issue against the said sureties on said bond to enforce said judgments.

Approved March 8, 1915.

No. 99.)

(S. 30—Kline.

AN ACT

To provide for the exoneration of sureties on appeal bonds in cases of appeal from judgment of conviction in municipal courts in the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act any person or persons who shall become surety on the appeal or appearance bond of any person, who shall have been convicted of the violation of any ordinance, of any city or town in this State, may, at any time before a conditional judgment is rendered against them, exonerate himself from liability on such appeal or appearance bond by procuring from the clerk of the court to which such appeal shall have been taken, a certified copy of such appeal or appearance bond and arresting or causing to be arrested, the principal in such bond and surrendering him to the chief of police, marshal or any police officer of any such city or town.

Sec. 2. After the rendition of a conditional judgment against them such bail may arrest the defendant as provided in the preceding section; but such arrest and delivery of the defendant shall not exonerate the bail unless, in the judgment of the court, a good and sufficient excuse is given for the failure of the defendant to appear at the time the conditional judgment was rendered.

Sec. 3. Such defendant may be discharged on his giving new bail, otherwise he must be kept in jail by the proper municipal officers until discharged by law.

Sec. 4. All laws and parts of laws in conflict with the provisions hereof are hereby repealed.

Approved March 17, 1915.

No. 100.)

(S. 124—Lewis.

AN ACT

To authorize and empower any one to bring into this State or permit to be brought into this State elk, or elk kind, and to place such elk upon suitable propagating grounds, or game refuges; to prohibit the pursuing, hounding, taking, wounding or killing of any such elk; to provide penalties for the violation of this act and to fix the amount thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That any one be and is hereby authorized and empowered to bring into or permit to be brought into this State

Elk and to place such animals upon suitable propagating grounds, or game refuges, that in his discretion are best suited to the habits of such animals.

Sec. 2. That no person shall pursue, hound, take, wound, capture, kill or destroy any Elk during a period of ten years after the approval of this act.

Sec. 3. That any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined a sum to be paid in the currency of the United States of America of not less than \$25.00 nor more than \$100.00, which fine shall be forwarded to the State treasurer and placed to the credit of the game and fish protection fund. Provided the bringing into this State of Elks shall be without cost to the State.

Approved March 8th, 1915.

No. 101.)

(S. 204—Arrington.

AN ACT

To provide for the granting of a free scholarship in certain schools of the State of Alabama, to the value of one hundred dollars each year, upon the donation to the State by the United Daughters of the Confederacy of the State of Alabama of the sum of twelve hundred and fifty dollars for the securing of each such scholarship.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever the United Daughters of the Confederacy of the State of Alabama shall donate to the State of Alabama, and actually pay in cash to the treasurer of said State, a sum of money amounting to twelve hundred and fifty dollars, there shall be considered as established a free scholarship of the value of one hundred dollars per year in board and such fees or other charges as that amount would cover or include over and above board, for the benefit of the student receiving the benefit of the same, or appointed to such scholarship, at any of the following institutions of learning, to-wit: The University, Tuscaloosa; Alabama Polytechnic Institute, Auburn; Alabama Girls Technical Institute, Montevallo; any of the group A Normal Schools, Florence, Jacksonville, Livingston, and Troy, that have, or may have a dormitory, that such scholarship shall be, and is hereby established for each sum of twelve hundred and fifty dollars so donated to the State.

Sec. 2. That at the time such sum or sums of money amounting to twelve hundred and fifty dollars shall be donated to the State, and paid over to the State treasurer, the said United Daughters of the Confederacy shall designate in writing signed by its president and countersigned by its chairman of scholarship, and filed with the State auditor, the particular institutions of learning, among those enumerated in section 1 of this act, in which the scholarship is desired. Thereupon it shall be the duty of the State auditor to issue a warrant drawn upon the State treasurer, in due form, and deliver the same to the treasurer of such institution of learning for he said sum of twelve hundred and fifty dollars, or for such several sums of twelve hundred and fifty dollars which shall be donated in this manner to the State which warrant or warrants the treasurer shall pay on presentation. Such sum or several sums of twelve hundred and fifty dollars shall be received by such treasurer of such institution of learning and added to the sum held by the board or boards legally administering the same for the support of such institutions.

Sec. 3. Any person, male or female, otherwise entitled to admission as a student or pupil in such institution of learning, and such only, and who presents to the proper authorities of same, a certificate signed by the president and countersigned by the chairman of scholarship committee of such United Daughters of the Confederacy of Alabama, granting to him or her a scholarship, under the terms of this act, shall be entitled to be admitted at such institution as entitled to the benefits of this act. And when so admitted, he or she shall be given credit on the books of such institution for the sum of one hundred dollars, to be applied to the end and purpose of defraying his or her board and such fees or other charges as that amount would cover over and above board, for the session during which or for which he or she applies for admission.

Approved February 24, 1915.

No. 102.)

(S. 106—Hall.

AN ACT

To make an appropriation for the payment of expenses incurred in the publication of proclamations of the Governor on constitutional amendment voted on at the election held in this State on the first Tuesday after the first Monday in November, 1912.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary, is hereby appropriated

out of any money in the State treasury not otherwise appropriated, for the purpose of paying for the publication of the proclamations of the Governor on the proposed amendment to the constitution voted on at the regular general election in this State on the first Tuesday after the first Monday in November, 1912; as authorized by act approved February 28th, 1911. Pham. Acts 1911, p. 47.

Sec. 2. That the auditor shall draw his warrant on the State treasurer for the payment of the accounts due the proprietors of the newspapers that published the said proclamations upon the verification of said account by the secretary of State, and approval of the same by the Governor.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 24, 1915.

No. 103.)

(S. 45—Lusk.

AN ACT

To prescribe a limitation for the bringing of suits for the recovery of personal property or the value thereof or damages for the conversion thereof where the title is founded on a mortgage or conditional sale.

Be it enacted by the Legislature of Alabama:

Section 1. That all suits of every kind whether at law or in equity brought for the recovery of personal property or its value or for the recovery of damages for the conversion thereof where such suit is founded on a mortgage or conditional sale of such personal property and is against another than the maker of said mortgage or purchaser in the contract of conditional sale, his personal representatives or those holding under him by descent or will shall be barred unless brought within three years from the maturity of such mortgage or such contract of conditional sale.

Sec. 2. That this act shall take effect on the 1st day of January, 1916.

Approved March 5, 1915.

No 104.)

(S. 227—Weathers.

AN ACT

To confer upon justices of the peace and judges of inferior courts concurrent jurisdictions with circuit courts, and courts of like jurisdiction of all offenses arising under the game and fish laws of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That concurrent jurisdictions with circuit courts, and courts of like jurisdiction be and the same is hereby conferred upon all justices of the peace and judges of inferior courts of this State in all cases arising under the laws for the protection and preservation of the birds, game and fish.

Sec. 2. That all courts, trying such cases, shall make a report to the State game and fish commissioner, and shall remit fines to the State treasurer, as now provided by law in the case of clerks of other courts.

Sec. 3. Persons convicted in such courts may appeal to the circuit or city courts of the county as in other cases of conviction.

Approved February 22, 1915.

No. 107.)

(H. 706—Walden.

AN ACT

To provide for the reinstatement of Confederate pensioners whose names have been stricken from the pension rolls of this State.

Be it enacted by the Legislature of Alabama:

Section 1. When the county board of pensions shall meet at the court house of their respective counties July next, they shall give ten days notice by advertising in a newspaper published in the counties of said meeting. Said notice shall inform all pensioners who have been stricken from the pension roll of the State, that they or their witnesses may appear before said pension board and show cause why they should be reinstated on said pension roll and placed in the class from which they were stricken.

Sec. 2. If after hearing the proof of said pensioner and his witnesses they are convinced that any person so applying for reinstatement on the pension roll has been unjustly stricken from the pension roll, they shall reduce said hearing to writing,

to be submitted to the State board of examiners at their next meeting.

Sec. 3. The State board of examiners shall receive such application from the auditor and examine carefully and separately each application for reinstatement on the pension roll from which they have been stricken, and the evidence of one witness who was a Confederate soldier and who makes affidavit to the fact that said applicant for reinstatement did serve in the Confederate army or the State troops of Alabama in accordance with the requirements of section 2007 of the Code of 1907, together with the evidence of two reliable citizens of the precinct in which said pensioner resides, who must state under oath that said applicant is a reliable and truthful person, and who from their knowledge of such person would not make a false statement for the purpose of securing a pension. Then it becomes the duty of the State board of pensions to have placed on the pension roll the name of said pensioner and in the class from which said pensioner was stricken. "Provided, that when an applicant heretofore on the Confederate pension rolls, makes affidavit that he enlisted in the service of and did not desert the Confederacy, and that he knows of no available witness or witnesses to such fact, such affidavit shall be presumptive evidence of the applicant's right to the pension provided for by the laws of Alabama, unless disproved; and an affidavit by the widow of a deceased soldier or sailor who has ever drawn a Confederate pension and who is over 45 years old that she is informed and believes that her husband enlisted in and did not desert the Confederacy, shall have the same effect as the affidavit herein provided to be made by soldiers and sailors of the Confederacy. And all persons reinstated as pensioners shall also be paid such sum or sums as they would have received if they had not been dropped from the pension rolls of Alabama.

Sec. 4. All soldiers or widows of soldiers who make application for Confederate pension after the enactment of this bill the same shall be entitled to the measures provided by this bill.

Approved February 19, 1915.

AN ACT

For the preservation of the oyster reefs in the waters of Alabama; to regulate the manner and time of taking and catching oysters from the public waters of the State; to prescribe and regulate the measure of oysters bought and sold in the shell; to provide for the leasing of water bottoms owned by the State; to fix penalties for the violations of the provisions of this act; to fix and prescribe the license to be paid by canning factories and wholesale dealers in oysters; and boats freighting and catching same; to provide for the repeal of all laws in conflict with the provisions of this act, and particularly the acts approved April 18, 1911, and August 27, 1909, providing among other things, for the creation of an oyster commission.

Be it enacted by the Legislature of Alabama:

Section 1. That all the beds and bottoms of the rivers, bayous, lagoons, lakes, bays, sounds and inlets within the jurisdiction of the State of Alabama are declared to be the property of the State of Alabama, to be held in trust for the people thereof, but the owners of land fronting on such waters, where oysters may be grown, shall have the right to plant and gather same in the waters in front of their land, to the distance of six hundred yards from the shore, measured from the average low water mark, but where the distance from shore to shore is less than twelve hundred yards, the owners of either shore may plant and gather to a line equidistant between the two shores, but no person shall plant in any natural channel so as to interfere with navigation; the respective owners shall plant within lines extended into the water from points where the boundaries intersect the shore, as nearly as practicable, with a mean width corresponding with their respective frontages on the shore, but should the lines thus extended cross each other, or seriously interfere with obtaining such mean width, then a line equidistant from the shore lines of the respective owners shall be the boundary between such planting grounds. No riparian right shall vest in any person to any part of the natural and public reefs.

Sec. 2. *Be it further enacted,* That subject to the provisions of this act, the regulation and control of the oyster bottoms of this State, not within the six hundred yard limit above referred to, shall be under the direction and control of secretary of State of Alabama, who shall, as occasion may demand, employ a competent surveyor to plat the oyster bottoms of this State in the townships, sections and quarter-sections on lines conforming to the United States land survey, and may lease the same, except public reefs, as hereinafter provided.

Sec. 3. *Be it further enacted*, That any bona fide resident citizen of the State of Alabama may lease not exceeding one hundred acres, by making application in writing to the secretary of State, accompanied by a fee of five dollars, whereupon a competent surveyor, selected by said chief inspector, at the expense of the applicant, shall stake off the parcel to be leased, forwarding a description thereof to the said department, which shall thereupon issue to said applicant a lease thereon, upon the payment in advance, of a rental at the rate of one dollar per acre for one year, and which shall likewise be paid in advance, at the beginning of each rental year thereafter during the continuation of such lease, which shall be so long as such rent is paid; but not more than twenty years and they to have option of renewal of lease. The rental year shall begin March first. Upon forfeiture, however the lessee may, in the reasonable discretion of said secretary of State be allowed additional time to remove from said leased parcel, as may seem proper, upon such terms as may be prescribed by him, oysters remaining thereon which were planted by said lessee. Any persons now holding a lease upon oyster bottoms may obtain a lease thereon in accordance with the terms of this act, provided the same does not exceed one hundred acres, by surrendering to said department their present lease, accompanied by said fee of five dollars, and all rent due under said lease, together with the payment, in advance, of the rental for the ensuing year, as hereinbefore provided; and all parties holding under lease more than one hundred acres, may continue to hold same under the terms of their leases, but should they, at any time, desire to surrender any portion thereof, they may, in like manner, surrender their said leases, and take out a new lease under the terms of this act, for one hundred acres or less, but shall pay the expenses of staking off the portion included in the new lease. They shall also surrender their old leases, accompanied by a fee of five dollars, and the amount of rental for the ensuing year, on the acreage included in the new lease, as well as any amount due under the old lease. All leases issued under the provisions of this act, shall stipulate that not less than an average of not less than ten barrels shall be planted by the lessee upon the lands so leased, and that affidavit signed by the lessee and two witnesses, shall be made to the chief inspector before the first day of November of each year that this has been done, and that the lands so leased are in a good state of cultivation, and that a failure to comply with this provision shall work a forfeiture of said lease. All wholesale dealers in oysters shall pay to the chief oyster in-

spector a license of twenty-five dollars per year; and canning factories, five hundred dollars per year, for the privilege of conducting such business in the State. Any dealer disposing of one barrel of oysters in the shell, or one thousand oysters after they have been opened, at one sale, shall be deemed a wholesale dealer.

Sec. 4. The Governor shall appoint a public reef warden whose duty it shall be to see that all oysters taken from the public reefs are properly culled, and that all the provisions of this act relative to public reefs are enforced. Said reef warden shall be a man thoroughly familiar with the catching and handling of oysters, a bona fide citizen of the State of Alabama residing on the coast, and his application shall be accompanied by a petition signed by not less than one hundred citizens of Alabama directly interested in the oyster industry, unless by reason of the number of applicants no one shall be able to secure so many signatures, in which event the Governor shall appoint such one as he shall consider most competent. The compensation of the said warden shall be one hundred and twenty-five dollars per month, payable monthly on warrant issued by the State auditor out of the funds collected under this act. His term of office shall be four years and until his successor is appointed, and he may be removed at the pleasure of the Governor. Said warden shall enter into bond in the penal sum of one thousand dollars payable to the State of Alabama, providing that he shall faithfully perform his duties and be responsible to all parties suffering injuries through the commission by him of any wrongful act under the color of his office, which shall be filed with and approved by the secretary of State. He shall also before entering upon his duties take an oath to faithfully discharge the duties of the office upon which he is about to enter, which shall likewise be filed with the secretary of State. He shall provide and maintain at his own expense a power boat and shall visit the public reefs daily during the open season, weather permitting. He shall be authorized to employ and discharge an assistant inspector who shall receive a salary of fifty dollars per month during the open season, payable in the same manner as that of the chief inspector. Said chief and deputy inspectors shall have the powers and authority of deputy sheriffs, and it shall be their duty to arrest and prosecute all persons violating any of the provisions of this act; and it shall be the duty of the solicitor of the county in which such prosecution is maintained to conduct such prosecution. Said chief inspector shall make to the secretary of State a monthly report showing all licenses

issued and moneys collected by him during the preceding month remitting same to the secretary of State, and he shall report the number of visitations to the reefs, and generally all the duties performed by him during the month.

Sec. 5. *Be it further enacted*, That no one shall catch oysters from the public reefs who has not been a bona fide resident citizen of the State of Alabama for twelve months next prior to such time.

Sec. 6. *Be it further enacted*, That dredging shall not be permitted upon the public reefs of this State. All oysters must be taken therefrom by oyster tongs manipulated by hand. Oysters taken from the public reefs for shucking or for market shall be not less than two and a half inches from hinge to mouth, and not less than two inches wide. Oysters taken from the public reefs shall be culled thereon, and the small oysters and dead shells returned thereto, except such as may be lawfully used for planting purposes and this must be done in such manner that the oysters so returned will not be piled so thickly as to smother or destroy those underneath.

Sec. 7. *Be it further enacted*, That the closed season for taking oysters from the public reefs shall be June first to September first, during which time no oysters shall be taken therefrom, and it shall be the duty of the solicitor to obtain information of, and submit to the grand jury, any violation of this clause, and said grand jury shall indict should the evidence justify it.

Sec. 8. *Be it further enacted*, That a standard measure for oysters is hereby established, which said measure shall consist of a tub or other round vessel of the following dimensions, to-wit: it shall measure seventeen inches in diameter inside at the bottom and twenty-one and a half inches in diameter inside at the top, and fourteen and a half inches inside from bottom to top, or a box containing the equivalent number of cubic inches or a box (20x20x12.61) twenty inch by twenty inch by twelve and sixty-one one-hundredths of an inch. Two of these measures filled to the top shall make one barrel, and all oysters bought and sold in this State in the shell shall be measured in a measure of these dimensions, or a measure holding a fraction or multiple thereof, and it shall be unlawful for any person to have in his possession any measure for oysters in the shell which shall differ inside from the measure herein provided for, or demand or require a greater or less measure in buying or selling; and no vessel or measure shall be used in buying or selling oysters until it has been measured and stamped by the oyster inspector.

It shall be the duty of the oyster inspector to measure such measures and to visit for that purpose each place where oysters are bought and sold, and he shall keep a book in which shall be recorded the dimensions of all measures so measured.

Sec. 9. *Be it further enacted*, That the Secretary of State shall be allowed the sum of one dollar for each lease issued under the provisions of this act, to be paid out of the funds collected hereunder.

Sec. 10. *Be it further enacted*, That the violation of any section of this law shall constitute a misdemeanor punishable by a fine of not over five hundred dollars to which may be added imprisonment for not more than six months. All laws and parts of laws in conflict with the provisions of this act are hereby repealed. This act shall be liberally construed, and should any section thereof be unconstitutional, it shall not affect the remainder of said act.

Sec. 11. *Be it further enacted*, That the acts of April 18, 1911, and August 27, 1909, providing for the creation of the "Alabama Oyster Commission be and the same are hereby repealed.

Sec. 12. *Be it further enacted*, That it shall be the duty of the solicitor of Mobile county to institute in the name of the State of Alabama any necessary proceedings, to collect any sums due said commission, and out of the amounts so collected or realized from any property belonging to the commission any debts due by said commission shall be paid should the amount be sufficient for that purpose.

Sec. 13. *Be it further enacted*, That all funds collected from any source under the provisions of this act shall be paid into the treasury and kept as a separate fund to be known as the oyster fund, out of which shall be paid the expenses provided for under the terms of this act.

Sec. 14. *Be it further enacted*, That when an oyster canning factory or factories shall be in operation in Alabama paying not less than forty cents per barrel for oysters delivered at the factory, or factories, no oysters in the shell shall be shipped out of the State except in barrels. Unless such factory or factories shall fail to take same within four hours after they are offered.

Sec. 15. *Be it further enacted*, That it shall be unlawful to remove oysters from the public reefs for planting purposes except during the month of September and from March fifteenth to May fifteenth, or to buy or to sell oysters not properly culled.

Sec. 16. *Be it further enacted*, That all parties catching or freighting oysters from the public reefs or private bedding grounds of this State shall pay an annual license for such privilege as follows: on all vessels of five tons or more, one dollar per net ton.

Sec. 17. *Be it further enacted*, That the secretary of State shall be authorized to expend such moneys as he may deem advisable out of the oyster fund for the necessary expenses under this act, and for the conservation and benefit of the oyster beds and industry.

Sec. 18. *Be it further enacted*, That no captain or person in charge of any vessel shall have oysters in his or her possession, or offer for sale, in this State, oysters taken from the public oyster reefs or private bedding grounds which contain more than seven per cent of shells and small oysters, and in order that the inspector may arrive at the percentage of uncultured oysters he shall cause to be culled, according to law, every tenth barrel in the cargo, if he deems it necessary; if the cargo, upon this basis of percentage, prove uncultured, in violation of the law, the inspector shall condemn said cargo, cause the same to be reculled and the young oysters and dead shells to be taken to some place designated by the inspector, and shall proceed against said offender as the law directs for such offenses.

Sec. 19. *Be it further enacted*, That all oysters taken from the public reefs of the waters of this State shall be culled upon their natural beds or bars as taken, and all young oysters measuring less than two and one-half inches from hinge to mouth and not less than two inches wide; and all dead shells, shall be returned to the bed or bar from which taken, and it shall be unlawful for any person to remove from public reefs or beds, where taken, any oysters without immediately culling the same and returning all dead shells and young oysters to the same reefs from which taken, or other public reef. Provided, nothing herein shall prohibit the removal of seed oysters from the public reefs without requiring the same to be culled. But all seed oysters so removed shall be replanted.

Sec. 20. *Be it further enacted*, That a natural oyster reef is hereby declared and defined as not less than one acre in continuous area of any bottoms of any bay, sound, bayou, creek, inlet, or any other body of salt or brackish water on which oysters grow naturally or have grown naturally in quantity sufficient to warrant fishing for them with hand tongs as a means of livelihood within a period of five years next preceding the time at which said matter may be presented for consideration and de-

termination by the inspector. The inspector shall be in all cases the judge as to the facts in the declaring or determining what is a natural bed or reef. Should any leased riparian bottoms be subsequently determined to be natural oyster reefs, said lease or leases shall be cancelled by the inspector, and from the ruling of the inspector so cancelling such lease or affecting the riparian rights, any person aggrieved may prosecute an appeal to the circuit court or court of like jurisdiction of the county in which the alleged natural reef is situated.

Sec. 21. *Be it further enacted*, That one-fourth of the shells of all oysters taken from the public reefs of this State and used by canning factories shall be set apart at the place where same are opened, subject to the order of the inspector, to be used by him when desirable for the improvement of the oyster bottoms.

Sec. 22. *Be it further enacted*, That this act shall take effect upon its passage.

Sec. 23. *Be it further enacted*, That any person, or persons, indebted to the State of Alabama, or to the Alabama oyster commission, for the lease of oyster bottoms in the State of Alabama shall forfeit said lease if all such indebtedness to said State, or to said Alabama oyster commission, is not liquidated within a period of twelve months subsequent to the passage of this act. It shall be the duty of the chief inspector to collect such indebtedness and deposit same, through the secretary of State, to the credit of the aforesaid oyster fund.

Sec. 24. *Be it further enacted*, That, any moneys accruing or accumulating in the said oyster fund in excess of the amount necessary to conserve the oysters of Alabama and to successfully enforce the provisions of this act shall, at the discretion of the secretary of State, be transferred from said oyster fund to the general fund of the State of Alabama.

Approved February 25, 1915.

No. 119.)

(S. 182—Lee.

AN ACT

To prohibit the employment of public school teachers of less than seventeen years of age and to provide for the education of pupils of any school having less than ten pupils.

Be it enacted by the Legislature of Alabama:

1. That on and after October 1st, 1915, no person shall be employed as a teacher in any public school in the State, who is

not at least seventeen years of age; and after December 1st, 1915, if the attendance in any school shall fall below ten, then the county board of education is authorized to make the best arrangements it can for the education of those children.

Approved February 20, 1915.

No. 122.)

(H. 301—Rogers, Sumter.

AN ACT

To amend section 6934 of the Code of Alabama, and to prescribe a rule of evidence in prosecutions thereunder, and to require the posting of a copy of this act as a condition precedent to conviction, and to prescribe the time when this act shall go into effect.

Be it enacted by the Legislature of Alabama:

Section 1. That section 6934 of the Code of Alabama be amended so as to read as follows: Any person who, by fraud or misrepresentation, or with the intent to deceive or defraud, obtains food or lodging, or other accommodation from the landlord, owner, proprietor or keeper of any hotel, inn, boarding house or eating house, and fails or refuses to pay for the same, must, on conviction, be fined not more than five hundred dollars, and may also be sentenced to hard labor for the county for not longer than six months.

Sec. 2. Proof that food, lodging or other accommodation was obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, by such person obtaining such food, lodging or other accommodation; or, that such person absconded or left the State without paying, or offering to pay for such food, lodging or other accommodation; or, that such person gave in payment, or in part payment for such food, lodging or other accommodation, any check or draft, on which check or draft, payment was refused on due presentation; or, that such person surreptitiously removed, or attempted to remove from such hotel, inn, boarding house, or eating house, the baggage or other property brought with him thereto, without having paid or offered to pay for such food, lodging or other accommodation so furnished him, shall be *prima facie* evidence of the fraud or misrepresentation, or intent to deceive or defraud mentioned in the first section of this act: Provided, that no person shall be convicted under the provision of this act where there has been an express agreement to delay payment for such food, lodging or other accommodation until a date

after such person terminates his relation as a guest at such hotel, inn, or boarding house or eating house.

Sec. 3. That it shall be the duty of every hotel keeper, inn-keeper, boarding house keeper and eating house keeper in this State to keep a copy of this act, printed in distinct type, posted in the lobby, public waiting room, or in that portion of his hotel, inn, boarding house or eating house most frequented by the guests thereof, and no conviction shall be had under the provisions of this act until it shall have been made to appear that a copy of this act was posted as above provided in the hotel, inn, boarding house or eating house, the owner or keeper of which claims to have been defrauded, at the time such food, lodging or other accommodation was obtained.

Sec. 4. That this act shall take effect thirty days after its approval.

Approved February 18, 1915.

No. 125.)

(H. 468—Carmichael, Colbert.

AN ACT

To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, and for the interest on the public debt.

Be it enacted by the Legislature of Alabama:

Section 1. That the following sums of money, or so much of each sum as may be necessary be and the same are hereby appropriated for the purposes hereinafter specified, to be paid out of any money in the State treasury, not otherwise appropriated, for the period beginning February 1st, 1915, and ending on the thirtieth day of September, 1915. (1) For the compensation of the Governor, five thousand dollars. (2) For compensation of the private secretary to the Governor, two thousand dollars. (3) For compensation of a recording secretary to the Governor, one thousand dollars. (4) For compensation of a filing clerk to the Governor, one thousand dollars. (5) For compensation of a stenographer and messenger in the executive office, six hundred dollars. (6) For compensation of the secretary of State, two thousand dollars. (7) For compensation of chief clerk in the secretary of State's office, twelve hundred dollars. (8) For compensation of the stenographer in the secretary of State's office, five hundred

dollars. (9) For compensation of the State auditor, two thousand dollars. (10) For compensation of the chief clerk and warrant clerk in the State auditor's office, twelve hundred dollars each. (11) For compensation of the general bookkeeper and the land clerk in the State auditor's office, one thousand dollars each. (12) For compensation of the filing clerk in the State auditor's office, eight hundred dollars. (13) For compensation of the pension clerk in the State auditor's office, eight hundred dollars. (14) For compensation of the stenographer in the State auditor's office, five hundred dollars. (15) For compensation of the State treasurer, two thousand dollars. (16) For compensation of the chief clerk in the State treasurer's office, twelve hundred dollars. (17) For compensation of two assistant clerks in the State treasurer's office, one thousand dollars each, and for the compensation of the third assistant clerk in the treasurer's office, eight hundred dollars. (18) For compensation of the stenographer in the State treasurer's office, five hundred dollars. (19) For compensation of the attorney general, two thousand dollars. (20) For compensation of the first assistant attorney general, twelve hundred dollars. (21) For compensation of the second assistant attorney general, one thousand dollars. (22) For compensation of the stenographer in the attorney general's office, five hundred dollars. (23) For compensation of the superintendent of education, two thousand dollars. (24) For compensation of the chief clerk in the superintendent of education's office, twelve hundred dollars. (25) For compensation of two additional clerks in the superintendent of education's office, one thousand dollars each. (26) For compensation of the stenographer in the superintendent of education's office, five hundred dollars. (27) For compensation of four servants in the executive offices, two hundred and eighty dollars each. (28) For compensation of four watchmen at the capitol, six hundred dollars each. (29) For compensation of the chief justice and six associate justices of the Supreme Court, thirty-three hundred, thirty-three and 33/100 dollars each. (30) For compensation of the marshal and librarian of the Supreme Court, one thousand three hundred and thirty-three and 33/100 dollars. (31) For compensation of the assistant librarian to the Supreme Court, six hundred and sixty-six and 66/100 dollars. (32) For compensation of one servant to the Supreme Court, three hundred and twenty dollars. (33) For compensation of two secretaries of the Supreme Court, twelve hundred dollars each. (34) For compensation

of the reporter of the Supreme Court decisions, nine hundred dollars (\$900.00) for each volume reported and published. (35) For compensation of the stenographer to the Supreme Court reporter, five hundred dollars. (36) For compensation of the presiding judge and two associate justices of the court of appeals, three thousand, three hundred and thirty-three and $33/100$ dollars each. (37) For compensation of the clerk of the court of appeals, sixteen hundred and thirty-six and $67/100$ dollars. (38) For compensation of the secretary of the court of appeals, eleven hundred dollars. (39) For compensation of seventeen circuit judges, two thousand dollars each. (40) For compensation of one supernumerary judge, two thousand six hundred and sixty-six and $66/100$ dollars. (41) For compensation of five chancellors, two thousand one hundred and thirty-three and $33/100$ dollars each. (42) For compensation of five judges of law and equity courts, one thousand six hundred and sixty-six and $66/100$ dollars each. (43) For compensation of two judges of law and equity courts, two thousand dollars each. (44) For compensation of one judge of law and equity court, twelve hundred dollars. (45) For compensation of one judge of law and equity court, twelve hundred dollars. (46) For compensation of sixteen judges of the city court as follows: Thirteen at two thousand dollars each; (one at eighteen hundred and thirty-three and $33/100$ dollars); one at eighteen hundred dollars; one at sixteen hundred dollars. (47) For compensation of fifteen circuit solicitors at sixteen hundred dollars each. (48) For compensation of two county solicitors as follows: one for Calhoun county, one thousand three hundred and thirty-three $33/100$ dollars. One for Lee county, twelve hundred dollars. (49) For compensation of chief mine inspector, two thousand dollars. (50) For compensation of six associate mine inspectors, one thousand three hundred and thirty-three and $33/100$ dollars each. (51) For expense of mine inspectors, six thousand six hundred and sixty-six and $66/100$ dollars. (52) For compensation of the director of archives and history department, two thousand dollars. (53) For compensation of one stenographer in the department of archives and history, five hundred dollars. (54) For compensation of the commissioner of agriculture and industries, two thousand dollars. (55) For compensation of the chief clerk in the department of agriculture and industries, twelve hundred dollars. (56) For compensation of the assistant clerk in the department of agriculture and industries, one thousand dollars. (57) For compensation of one stenographer for the department of agriculture and

industries, five hundred dollars. (58) For compensation of the adjutant general, one thousand three hundred and thirty-three and 33/100 dollars. (59) For compensation of one clerk in the adjutant general's office, eight hundred dollars. (60) For compensation of inspector of jails, almshouses, etc., twenty-six hundred and sixty-six and 66/100 dollars. (61) For compensation of the chief clerk to the inspector of jails, almshouses, etc; twelve hundred dollars. (62) For compensation of two deputy inspectors to the inspector of jails, etc., one thousand dollars each. (63) For compensation of the stenographer to the inspector of jails, almshouses, etc., five hundred dollars. (64) For compensation of one clerk to the State board of health, eight hundred dollars. (65) For compensation of the clerk of the Supreme court, two thousand four hundred dollars. (66) For compensation of one assistant clerk to clerk of Supreme Court, twelve hundred dollars. (67) For compensation of one stenographer to clerk of the Supreme Court, five hundred dollars. (68) For compensation of the president of the railroad commission, two thousand three hundred and thirty-three and 33/100 dollars. (69) For compensation of two associate railroad commissioners, two thousand dollars each. (70) For compensation of one secretary to the railroad commission, sixteen hundred dollars. (71) For compensation of one stenographer to the railroad commission, eight hundred dollars. (72) For compensation of expert help for railroad commission, two thousand dollars. (73) For expenses of the railroad commission, seven hundred and fifty dollars. (74) For postage, post office box rent for the executive and Supreme Court offices, three thousand three hundred and thirty-three dollars. (75) For insurance on the capitol building, furniture therein and the library, two thousand dollars, to be expended only on the approval of the Governor. (76) For arrest of absconding felons, two thousand dollars. (77) For the removal of prisoners, four thousand dollars. (78) For compensation of the superintendent of State banks, twenty-four hundred dollars. (79) For compensation of two bank examiners, twelve hundred dollars each. (80) For compensation of office assistant to superintendent of banks, six hundred and sixty-six 66/100 dollars. (81) For interest on temporary loans of three hundred thousand dollars, to be disbursed on the order of the Governor, eighteen thousand dollars. (82) For distributing acts and journals of the Legislature of 1915, and other public documents for the years ending September 30th, 1914 and 1915, one thousand dollars. (83) For interest on the agricultural and mechanical col-

lege bonds, ten thousand one hundred and forty dollars. (84) For interest on the bonded debt of the State, one hundred and eighty thousand dollars. (85) For compensation of the secretary of the Senate and clerk of the House of Representatives, filing and arranging papers of the respective houses in the secretary of State's office, and for copying and indexing the journals of the respective houses, four hundred and fifty dollars each. (86) For compensation of the secretary of State for preparing copies of the acts for the public printer and notes thereof for the same, ten cents for each hundred words. (87) For interest on the fund arising on the sale of lands of the Alabama Girls Technical Institute, fifteen thousand dollars. (88) For the incidental expenses of the director of the department of archives and history to be used in the promotion and development of the department, and the purchase or acquisition of papers, books and material necessary for the conduct and development of the bureau of legislative information, the sum of two thousand dollars. (89) For the use of the contingent fund of the Governor in and about the payment of interest on State warrants and for the purpose of making such financial arrangements as may be necessary to protect the credit of the State, the sum of one hundred thousand dollars, or such part thereof as may be needed for the purpose mentioned.

Sec. 2. That there is hereby appropriated for the purposes hereinafter specified, to be paid out of any money in the State treasury, not otherwise appropriated for the period beginning October 1st, 1914, and ending on the 30th day of September, 1915, (1) For stationery for the executive and Supreme Court offices, ten thousand dollars. (2) For fuel, lights and water used in the capitol, three thousand dollars. (3) For public printing and binding, including the reports of the heads of the departments, of Supreme Court decisions, acts and journals of the Legislature, advertisements and proclamations, done in pursuance of the law, fifty thousand dollars. (4) For feeding prisoners in county jails, one hundred and eighty thousand dollars. (5) For repairing and refurnishing the capitol and grounds, five thousand dollars.

Approved February 19, 1915.

No. 127.)

(H. 644—Stewart.

AN ACT

To make an appropriation of two thousand dollars (\$2,000.00) for necessary repairs and permanent improvements on the Governor's mansion and furnishings, the property of the State, for the purchase of necessary additional furnishings therefor, and to provide for the disbursement of such appropriation, and to repeal section 5 of the act approved February 11, 1911, entitled, an act to make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds and furnishings therefor, and for the acquisition by condemnation or purchase of any real estate necessary, or beneficial for such purpose, to provide a building commission for such purpose, and to make an annual appropriation for the maintenance of such residence.

Be it enacted by the Legislature of Alabama:

1. That the sum of two thousand dollars (\$2,000) be and the same is hereby appropriated out of any unappropriated funds in the State treasury, for necessary repairs and permanent improvements on the Governor's mansion and furnishings, the property of the State, and for the purchase of necessary additional furnishings; and the State auditor is hereby authorized and required to draw his warrant, from time to time, for all or any part of said sum on the requisition of the Governor of the State, accompanied by statement, for work done and materials, furniture and labor supplied as hereinabove provided.

2. That section 5 of the act, approved February 11, 1911, entitled, an act, to make an appropriation for the purchase of a residence for the Governor of Alabama, and grounds and furnishings therefor, and for the acquisition by condemnation, or purchase of any real estate necessary, or beneficial for such purpose, to provide a building commission for such purpose, and to make an annual appropriation for the maintenance of such residence, be and the same is hereby repealed.

Approved February 20, 1915.

No. 145.)

(H. 205—Scott

AN ACT

To make an appropriation for maintenance of the Industrial Reform School for White Boys.

Be it enacted by the Legislature of Alabama:

1. That the sum of one hundred and fifty dollars a year for every boy in the Alabama Industrial Reform School for White

Boys is hereby appropriated annually hereafter out of any money in the State treasury for the support of the Alabama Industrial School for White Boys.

2. That on the first day of every quarter, or as soon thereafter as practicable, the superintendent of the school shall make up a statement showing the number of boys who were in the school during any part of the preceding quarter, and shall swear to it and state in the affidavit the name of the treasurer of the school, and upon filing such affidavit with the State auditor he shall draw his warrant on the treasurer for the full amount shown to be due for the preceding quarter, which warrant shall be payable to the treasurer of the school.

Approved March 1st, 1915.

No. 153.)

(H. 535—John.

AN ACT

To provide for the prompt publication of the General Acts of the Legislature.

Be it enacted by the Legislature of Alabama:

1. That immediately after every general act has been approved by the Governor, and delivered to the secretary of State, the latter shall have it correctly transcribed, and the copy placed in the hands of the public printer, who must as soon as practicable print twelve hundred and fifty (1,250) copies in accordance with section three (3) hereinafter, of which the secretary of State must distribute two (2) to every member and officer of the Legislature, and to every State officer having an office in the capitol; twenty-five (25) copies to the Supreme Court Library; two hundred and fifty (250) copies to the Department of Archives and History; and shall mail one copy to every judge and to every clerk of a court of record in this State, one (1) copy to every solicitor, or assistant or deputy solicitor, and one (1) copy to every sheriff and county officer in this State.

2. That acts required to be printed hereby must be printed on good white paper, to be approved by the Governor, of octavo form, twenty-six (26) ems measure in width, eleven (11) point type, solid, with not less than forty-six (46) lines to the page, but no marginal notes shall be printed adjacent to any act.

3. That the acts must be printed in the order in which they are approved, and each act must be complete in itself, and where of more than four (4) pages, must be stitched, stapled or pasted

on the side, so as to make a pamphlet of not less than 6x9 inches in size. At the head of each separate act so printed shall be the following words in appropriate type and in two lines, namely: Alabama General Laws. Regular Session, 1915, followed by the act, in connection with the title to which shall be the Governor's number on the left, and the particular House number on the right with the name of the author thereof.

4. The Governor shall see that the public printer prints and delivers the acts promptly and if for any cause he cannot print them so they may be delivered to the secretary of State within three (3) days of the delivery of the copy to the publisher, the Governor shall forthwith contract for this printing with some publisher who will print and deliver the general acts as fast as they are passed.

5. That in making the contract for the publication of the acts of the Legislature, the Governor shall require the printer to give bond in such sum as he may direct, conditioned that the general acts shall be printed as herein provided and delivered to the secretary of State within three (3) days from the receipt of the copy by the printer, and that a volume of the general acts shall be printed, bound and delivered to the secretary of State within forty (40) days from the adjournment of the session of the Legislature, provided that if a recess be taken for a longer time than thirty (30) days, that all of the general acts passed before the recess, shall be immediately printed, bound and delivered collected in pamphlet form.

Approved March 9, 1915.

No. 155.)

(H. 617—Davis.

AN ACT

To provide for altering or amending or extending the charters of incorporated medical associations of the State of Alabama, Alabama dental associations, Alabama pharmaceutical associations and other corporations organized similarly to any such corporations, or of a similar kind, whether now incorporated or hereafter incorporated.

Be it enacted by the Legislature of Alabama:

Section 1. That any incorporated medical association of the State of Alabama, Alabama dental association, Alabama pharmaceutical association, or other corporation organized similarly to any such corporation, or of a similar kind, whether now or hereafter incorporated, may alter or amend or ex-

tend its charter, or may do any two or all of these, in the manner following: A written resolution setting out the name of the corporation and embodying the proposed alterations, amendments or extensions shall be submitted to a lawful annual meeting of the corporation or other lawful meeting of the corporation and adopted by a two-thirds vote of those present at the meeting and lawfully entitled to vote on business matters coming before the meeting; and the president, or some other executive officer, of the corporation and the secretary thereof shall prepare, sign, acknowledge as conveyances are acknowledged and file in the office of the judge of probate of the county wherein the original declaration of incorporation was filed if the charter was secured in that manner, or, if the charter was granted by act or acts of the Legislature prior to the time when the Constitution of 1901 went into effect, in the office of the secretary of State a certificate containing a copy of said resolution and certifying that it was adopted in the manner above provided; and upon the filing of said certificate the charter of the corporation shall stand altered, amended or extended as therein shown.

Sec. 2. Any such alteration, amendment or extension may be made by changing or adding to the language of the act or acts of incorporation or declaration of incorporation or certificate of incorporation of the corporation, as the case may be, or by changing or adding to the Constitution of the corporation, or by changing or adding to the language of both or all of them.

Sec. 3. When any such corporation is now or hereafter may be charged by law with public or quasi-public functions alterations to or amendments or extensions of its charter, made in accordance with the provisions of this act, shall in no manner add to, detract from or modify said functions or the rights and duties of the corporation in reference thereto; but no such alteration, amendment or extension of the charter of any corporation so charged by law shall be made which will interfere with the discharge of said functions.

Approved March 5, 1915.

No. 160.)

(H. 510—Lee.

AN ACT

To regulate the business of dealers in farm produce, to fix license for the carrying out of said business and to provide for the revocation of this license and for the penalty for any violation of this act; to prevent fraud in the selling and handling of farm produce, and to provide punishment for such fraud; to provide for the collection and disbursement of the moneys collected; to establish, increase and encourage markets for the sale of farm produce.

Be it enacted by the Legislature of Alabama:

Section 1. That before engaging in the business of a whole-sale dealer of farm produce in this State, every person, firm, exchange, association or corporation shall obtain from the commissioner of agriculture and industries a license to engage in such business, the application for such license shall be in writing on such blank form as may be required by the commissioner of agriculture and industries. Such application amongst other matters shall contain statements of the names, addresses and ages of the applicant for the members of such applicants, firms and such appropriate statements as may be required by said commissioner of agriculture and industries, as to the financial standing of such applicant, the length of time said person has been engaged in such business, the character of such farm produce as such applicant intends to deal in, location of his principal place of business and other branch places of business and the names of the officers of applicant, if it be a corporation or association. If the commissioner of agriculture approves said application, the applicant shall enter into a good and sufficient bond in the sum of \$1,000 payable to the commissioner of agriculture and industries or his successor in office in order that the principal therein named shall honestly conduct said business and to pay over to the consignor any goods received by him or any proceeds of sales of farm produce sold for the account of such person and to otherwise conduct his business according to the provisions of law. Said bond shall be filed and duly recorded in the office of secretary of State. A copy of said bond duly certified by the secretary of State shall be received as evidence in all of the courts of this State without other proof. Any person having a right of action against any such wholesale produce dealer may bring suit against the principal and sureties of said bond; and successive suit of a similar nature and character may be brought on said bond until payment thereof is obtained. Any such suit shall be governed by the general

laws of this State. In such case unless said dealer shall execute a new bond, it shall be the duty of the commissioner of agriculture and industries to cancel his or its license and give him due notice of said fact and thereafter it shall be unlawful for said wholesale produce dealer to engage in such business without first obtaining a new license.

Sec. 2. The term wholesale produce dealer as herein used shall include persons, firms, exchanges, associations and corporations who buy and sell farm produce at wholesale, including brokers, commission merchants and factors. The term farm produce shall include all agricultural, horticultural, vegetable, and fruit products of the soil, poultry, eggs, dairy products, nuts, honey and the like, but shall not include timber products, floricultural products, tea, or coffee; the provisions of this act shall not apply to transactions in which a person purchasing such farm products for purposes other than resale.

Sec. 3. For any liability which any consignor of farm produce may have against any wholesale produce dealer, either for the price of said farm produce or any balance due thereon or for any loss of price in the sale thereof by any reason of any false or fraudulent representation made by said dealer to owner or consignor of said produce, the said owner or consignor of the same shall have the right of action as hereinbefore provided against the said produce dealer and the sureties of said bond.

Sec. 4. Power of the commissioner of agriculture to investigate.—The commissioner of agriculture and industries or his assistants shall have power to investigate, upon the verified complaint of an interested person, also to make an investigation irrespective of whether or not a complaint is filed, the record of any person, firm, exchange, corporation or association applying for a license, or any transaction involving the solicitation, receipt, sale or attempted sale of farm produce, the failure to make proper and true accounts and settlements at prompt and regular intervals, the making of false statements as to conditions, quality or quantity of goods received or while in storage, the making of false statements as to market conditions, with intent to deceive, or the failure to make payment for goods received or other alleged injurious transactions; and for such purpose may examine at the place of business of the licensee, that portion of the ledgers, books of account, memoranda or other documents, relating to the transactions involved, of any produce merchant, and may take testimony there-in under oath. When a consignor of farm produce fails to obtain satisfactory settlement in any transaction, after having

notified the consignee, a certified complaint may be filed at the expiration of ten days after such notification with the commissioner of agriculture. The commissioner of agriculture shall attempt to secure an explanation or adjustment; failing this, within seven days he shall cause a copy thereof, together with a notice of the time and place for a hearing on such complaint, to be served personally or by mail upon such produce merchant. Such service shall be made at least seven days before the hearing, which shall be held in the city, village or township in which is situated the place of business of the licensee. At the time and place appointed for such hearing, the commissioner or his assistants shall hear the parties to such complaint, shall have power to administer an oath, and shall enter in the office of the commissioner of agriculture at Montgomery, Alabama, a decision either dismissing such complaint or specifying the facts which he deems established on such hearing, and in case such facts are established as cause him to revoke such license, he shall bring an action on the bond within six days of the filing of such decision.

Sec. 5. *Granting and Revoking Licenses.*—The commissioner of agriculture may decline to grant a license or may revoke a license already granted where he is satisfied of the existence of the following cases or any of them: (a) Where a money judgment has been entered against such produce merchant and upon which execution has been returned unsatisfied. (b) Where false charges have been imposed for handling or services rendered. (c) Where there has been a failure to account promptly and properly or to make settlements, with intent to defraud. (d) Where there have been false statements as to conditions, quality or quantity of goods received or held for sale when the same might be known on reasonable inspection. (e) Where there has been false or misleading statement or statements as to market conditions with intent to deceive. (f) Where there has been a combination or combinations to fix prices. (g) Where the produce merchant directly or indirectly purchases the goods for his own account without prior authority therefor or without notifying the consignor thereof. (h) Where the produce merchant is in bankruptcy or in insolvency, or where the commissioner of agriculture has reason to believe that bankruptcy or insolvency may shortly occur. (i) Where there has been a continued course of dealing of such a nature as to satisfy the commissioner of the inability to properly conduct the business of produce merchant or of intent to deceive or defraud shippers. (j) Where a licensee has been guilty of fraud

or deception in obtaining his license. (k) Where the licensee neglects to file a new bond when notified by the commissioner that the bond already filed is unsatisfactory.

Sec. 6. *Certiorari to Review*.—The action of the commissioner of agriculture in refusing to grant a license, or in revoking a license granted under this article, shall be subject to review by a writ of certiorari, and if such proceedings are begun, until the final determination of the proceedings and all appeals therefrom, the license of such produce merchant shall be deemed to be in full force and effect, provided the fee for such license shall have been paid and a bond given as herein required.

Sec. 7. *Report of Sale to Consignor*.—Every produce merchant, who handles farm produce on commission, shall, upon the receipt of farm produce and as he handles and disposes of the same, make a record thereof, specifying the name and address of the consignor, the date of receipt, the kind and the quantity of such produce, the amount of goods sold, the date of sale, the price received, the name and address of the person to whom the goods are sold or his license number where the same can be secured with reasonable diligence, and the item of expense connected therewith; and this record, together with payment in settlement for such shipment, shall be mailed to the consignor within forty-eight hours after the sale, unless otherwise agreed. The produce merchant shall retain the foregoing record for a period of one year and the same shall be open to the inspection of the commissioner of agriculture and of the consignor or the agents of either of them. The burden of proof shall be upon the produce merchant to prove the correctness of his accounting as to any transactions which may be questioned, and shall be punished as provided by section 7622 of the Code of 1907.

Sec. 8. *Offenses*.—Any person, firm, exchange, association or corporation, who shall receive or offer to receive, sell or offer to sell within this State any kind of farm produce without a license except as in this chapter permitted and any person who being a produce merchant in farm produce shall (a) impose false charges for handling or services in connection with farm produce, or (b) fails to account for such farm produce promptly and properly and to make settlement thereof, with intent to defraud, or (c) shall make false or misleading statement or statements as to market conditions with intent to deceive, or (d) enter into any combination or combinations to fix prices, or (e) directly or indirectly purchases for his or its own account, goods received by him or it upon con-

signment without prior authority therefor from the consignor, or shall fail to promptly notify the consignor of such purchase on his or its own account, or (f) any person, consignee or consignor handling, shipping or selling farm produce who shall make a false statement as to grade, condition, markings, quality or quantity of goods shipped or packed in any manner, with intent to deceive, or (g) shall fail to comply in every respect herewith, or (h) shall advertise or hold one's self out as a produce merchant in farm produce without a license, shall be guilty of a misdemeanor.

Sec. 9. That the price of said license shall be \$10.00 per annum and shall be payable in advance on the 1st day of January of each year and shall be paid to the commissioner of agriculture and industries, and the license for the calendar year shall become due and payable thirty days after the approval of this act. The license money collected by the commissioner of agriculture and industries under this act shall be by him turned over to the State treasurer as collected, and the State treasurer is hereby required to keep said moneys separate and apart from any other money in the State treasury. This money shall be paid out only on a certificate or warrant approved by the commissioner of agriculture and industries for the purpose of paying the expenses of enforcing this act and for the other purposes provided in section 11 of this act.

Sec. 10. It shall be unlawful for any person to engage in the said produce business in this State as herein defined without first taking out and paying for a license as herein provided.

Sec. 11. The moneys coming into the hands of the commissioner of agriculture and industries under provisions of this act after payment of the expenses carrying out the provisions of this act, shall be applied by him so far as the same may be necessary for the purpose of establishing, creating, encouraging, ascertaining and providing markets for such farm products and increasing and encouraging the sale of said farm produce to the end that the owners and consignors of said farm produce may obtain full and fair price therefor and honest and fair treatment in the disposition of the same.

Sec. 12. Any person violating any provisions of this act shall be guilty of a misdemeanor and upon conviction therefor, shall be punished as the law provided the punishment for such misdemeanors.

Sec. 13. This act shall take effect immediately, and all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 5, 1915.

No. 166.)

(H. 546—Weakley.

AN ACT

To provide for the maintenance and support of the Alabama Home of Refuge, and to make appropriation therefor.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the support and maintenance of the Alabama Home of Refuge, the sum of one hundred and fifty dollars per year for each inmate in said home, said appropriation to begin on the first day of January, 1915.

Sec. 2. That the State auditor be and he is hereby authorized and directed to draw his warrant on the State treasurer in favor of the treasurer of the Alabama Home of Refuge quarterly, for the payment of the amount hereby appropriated, and that the treasurer, or other officer of said home, shall make an affidavit at the beginning of each quarter showing the number of inmates in said home on that date, and the number so ascertained shall be the basis upon which the appropriation herein made shall be calculated and paid.

Approved March 1st, 1915.

No. 167.)

(H. 136—Moore.

AN ACT

To provide for the drainage of farm, wet, swamp and overflow lands in the State of Alabama, to authorize the organization of drainage districts, to confer the right of eminent domain to the extent necessary to carry out the purposes of this act, and to provide for raising the revenue by bond issue or otherwise, to pay the costs and expenses of installing and maintaining drainage systems, so as to promote the public health and general welfare.

Be it enacted by the Legislature of Alabama:

Section 1. That the court of probate of any county of the State of Alabama shall have jurisdiction, power and authority to establish a levee or drainage district or districts in its county and to locate and establish levees, drains, or canals, and cause to be constructed, straightened, widened, or deepened, any ditch, drain, or watercourse, and to build levees or embankments and erect tide gates, flood gates, and pumping plants for

the purpose of draining and reclaiming wet, swamp or overflowed lands, and it is hereby declared that the drainage of surface water from agricultural lands and the reclamation of wet lands, swamp lands, overflowed lands, and tidal marshes shall be considered a public benefit and conducive to the public health, convenience, utility, and welfare.

Sec. 2. Whenever a petition praying for the organization of a drainage district, signed by a majority of the landowners in a proposed district, or by the owners of more than half the land in acreage which will be affected by or assessed for the expense of the proposed improvements, shall be filed with the court of probate of any county in which a part of said lands are located, setting forth that any specific body or district of land in the county, or county and adjoining counties, described in such a way as to convey an intelligent idea as to location of such land, is subject to overflow or too wet for cultivation, and the public benefit or utility, or the public health, convenience or welfare will be promoted by drainage, ditching or leveeing the same, or by changing or improving the natural water-courses, or by the installation of tile systems, and there is filed with said petition, or at any time subsequent thereto and prior to the time of hearing on said petition, a bond with security approved by the court, sufficient to pay all expenses connected with the proceedings in case the court refuses to organize the district, or said petition is accompanied by articles of association signed by all the petitioners, said articles stating that the parties whose names are subscribed thereto are owners of or control and represent real estate within said proposed district and that they are willing to and do hereby obligate themselves to pay such assessments within thirty days as may be made by the court of probate against their respective lands in payment of all expenses incurred as the work progresses before a permanent organization is effected, or in payment of all preliminary expenses in case the court does not grant the prayer of said petitioners, it shall be the duty of the court of probate to issue a summons to be served upon all the defendant landowners who have not joined in the petition and whose lands are included in the proposed district. Assessments made by the court to provide funds for the payment of preliminary expenses shall be made in such proportion as the lands of each signer bear to the total acreage of all the signers of the articles of association, and such assessments shall constitute a lien, to which only the lien of the State for general State, county, city, village, school and road taxes shall be paramount upon all lands and other

property against which such assessments shall be made. In case a permanent organization is effected, all moneys advanced in payment of preliminary expenses shall become a charge against the permanent organization and shall be refunded out of the funds raised by the first assessment as subsequently provided for herein. Upon the return day said court of probate shall appoint a disinterested and experienced civil and drainage engineer to examine the lands described in the petition and make a preliminary report thereon. The rate of compensation for the services of such engineer and his necessary assistants shall be determined by the court and be paid from the funds raised by assessment of the signers of the articles of association or from the bond.

Sec. 3. If at the time of the filing of the petition, or at any time subsequent thereto, it shall be made to appear to the court by affidavit or otherwise that the owner or owners of the whole or any share of any tract or tracts of land whose names are unknown, and cannot after due diligence be ascertained by the petitioners, the court shall order a notice in the nature of a summons to be given to all such persons by a publication of the petition, or of the substance thereof, and describing generally the tract or tracts of land as to which the owner or owners are unknown, with the order of the court thereon, in some newspaper published in the county wherein the land is located, or in some other county, if no newspaper shall be published in the first-named county, which newspaper or newspapers shall be designated in the order of the court, and a copy of such publication shall also be posted in at least five conspicuous places within the boundaries of the proposed district, and at the courthouse door of the county. Such publication in a newspaper and by posting shall be made for a period of three weeks. After the time of publication shall have expired, if no person claiming and asserting title to the tract or tracts of land and entitled to notice shall appear, the court in its discretion may appoint some disinterested person to represent the unknown owner or owners of said lands, and thereupon the court shall assume jurisdiction of the said tract or tracts of land and shall adjudicate as to the said lands to the same extent as if the true owners were present and represented, and shall proceed against the land itself. If at any time during the pendency of the drainage proceeding the true owner or owners of the lands shall appear in person, they may be made parties defendant of their own motion and without the necessity of personal service, and shall thereafter be considered as parties

to the proceeding, but they shall have no right to except to or appeal from any order or judgment theretofore rendered, as to which the time for filing exceptions on notice shall have expired.

Sec. 4. In case of a district lying in more than one county the probate judge of each of the counties having land in the district shall sit as a court in the courthouse where the original petition was filed to make the findings required by the court of probate under this act. A majority of said judges shall be necessary to render a decision. In case of a tie said matters shall be forthwith certified to the circuit court or court of like jurisdiction and said court shall hear and determine said matter as an advanced case in preference to all other business.

Sec. 5. Upon receipt of appointment by the court the engineers shall proceed forthwith to make a survey and ascertain the region which will be benefited by the proposed improvement, prepare a map or maps, showing the approximate location of the proposed improvements, determine as closely as practicable the probable character, size and cost of the same, and shall file a preliminary report with the court setting forth: (1) Whether the proposed drainage is practicable or not. (2) Whether the proposed improvements will benefit the land in question sufficiently to warrant the probable expenditure and the approximate area so benefited. (3) Whether or not all of the land benefited is included in the proposed district. (4) Whether it will benefit the public health or any public highway or be conducive to the general welfare of the community. The report shall also include the maps showing the approximate location of the proposed improvements, the approximate fall per mile of all ditch, drain or levee lines and an estimate of cost of the proposed work with such other information as may be necessary to make the report clear.

Sec. 6. The court of probate shall consider this report. If the engineer reports that the drainage is not practicable or that it will not benefit the public health or any public highway or be conducive to the general welfare of the community, and the court shall approve such findings, the petition shall be dismissed at the cost of the petitioners. Such petition or proceeding may again be instituted by the same or additional landowners at any time six months after the dismissal of the petition upon proper allegations that conditions have changed or that material facts were omitted or overlooked. If the engineer reports that the drainage is practicable and that it will benefit the public health or any public highway, or be condu-

cive to the general welfare of the community and the court shall so find, then the said court shall fix a day when the report shall be further heard and considered.

Sec. 7. If the petition is entertained by the aforesaid court, notice shall be given by publication as defined in this act, that on the date set, naming the day, the said court will consider and pass upon the report of the engineer.

Sec. 8. Any owner of real property in said proposed district who wishes to object to the organization and incorporation of said district shall, on or before the date set for the cause to be heard, file his objection why such district should not be organized and incorporated. On the date appointed for the hearing the court of probate shall hear and determine any objections that may be offered to the report of the engineer. If it appears that there is any land within the proposed levee or drainage district that will not be affected by the leveeing or drainage thereof such land shall be excluded and the names of the owners withdrawn from such proceeding; and if it shall be shown that there is any land not within the proposed district that will be affected by the constructing of the proposed levee or drain, the boundary of the district shall be so changed as to include such land, and such additional landowners shall be made parties plaintiff or defendant, respectively, and summons shall issue accordingly as hereinbefore provided. After such change in the boundary is made, the sufficiency of the petition shall be verified, to determine whether or not it conforms to the requirements of the statute as provided in section 2. Any person whose land are affected, may, at this stage of the proceedings, sign the petition so as to render same sufficient. The efficiency of the drainage or levee may also be determined, and if it appears that the location of any levee or drain can be changed so as to make it more effective, or that other branches or spurs should be constructed, or that any branch or spur projected may be eliminated or other change made that will tend to increase the benefit of the proposed work, such modifications and changes shall be made at the directions of the court. The engineer may attend this meeting and give any information or evidence that may be sought to verify and substantiate his reports. If necessary the report as amended shall be referred by the court to the engineer for further report. Upon the said hearing, if it shall appear that the purposes of this act would be subserved by the creation of a drainage district, the court shall, after disposing of all objections as justice and equity require, by its findings, duly enter of record, adjudicate all ques-

tions of jurisdiction, declare the district organized as a body corporate, giving it a corporate name, by which in all proceedings it shall thereafter be known, with all the powers of a corporation with power to sue and be sued, to incur debts, liabilities and obligations, to exercise the right of eminent domain for the purpose of securing adequate outlets and such other rights of way as may be necessary to carry out the intentions of this act, and the right of assessment as herein provided; to issue bonds and to do and perform all acts herein expressly authorized and all acts necessary and proper for the carrying out of the purpose for which the district was created, and for executing the powers with which it is invested.

Sec. 9. That the order of the court of probate establishing said district shall have all the force of a judgment. If the court finds that any property set out in the report of the engineer should not be incorporated in the district, the board of commissioners or any owner of realty in the district may within term time after the refusal of the probate court to include said property in the district, appeal from the order of the court to the circuit court or court of like jurisdiction upon giving bond in a sum to be fixed by the court, conditioned for the payment of costs if the appeal should be decided against said petitioner. Any person or corporation owning lands within the drainage district, which he or it thinks will not be benefited by the improvement and should not be included in the district, may appeal from the decision of the court to the circuit court or court of like jurisdiction in term time, by filing an appeal accompanied by a bond approved by the court, conditioned for the payment of the cost if the appeal should be decided against him or it, for such sum as the court may require.

Sec. 10. That when the court of probate has established such district it shall appoint three owners of real property within the district to act as drainage commissioners, and such persons when so appointed, and their successors in office, shall constitute, and are hereby declared to be a body politic incorporated by the name and style of the same selected as mentioned in this act by the court of probate. Each of these commissioners shall take the oath of office as declared by the Constitution of the State, and shall also swear that he will not directly or indirectly be interested in any contract made by the board of commissioners, save and excepting so far as he may be benefited as a landowner in common with other landowners for the work contracted for. Any commissioner failing to take oath within thirty (30) days after his appointment, or failing to

give bond in the sum of not less than \$1,000 to be fixed by the court, shall be deemed to have declined to act as commissioner and his place shall be filled by the court. The said commissioners shall have a common seal for the drainage district. They may from time to time make such by-laws, rules and regulations, and order and change the same, as they may deem proper, not inconsistent with this act and the laws of this State, for the purpose of carrying into effect the object of their incorporation. They shall elect from their own number a president, and appoint such other officers, agents, and attorneys, and employ such persons as they may think necessary for the efficient management of their business, and remove them at pleasure. The commissioners appointed as aforesaid, shall hold their offices, one for two (2) years, one for four (4) years, and one for six (6) years, from the date of their appointment, and until their successors are appointed and qualified. On the expiration of their terms of office, their successors shall be appointed in like manner for the term of six (6) years thereafter; and they shall hold their meetings at any time and place in the county or counties in which any part of the district is situated upon the call of the president. All vacancies on the board shall be filled by the court, but if a majority in number of the owners of real property in the district shall petition for the appointment of particular persons as commissioners, it shall be the duty of the court to appoint the persons so designated. Any commissioner, viewer, or other officer of any district organized under this act may be removed for cause upon a motion filed in the original court where said district was organized after due hearing.

Sec. 11. If it shall be necessary to acquire a right-of-way or any outlet over and through lands not affected by the drainage, and the same cannot be acquired by purchase, then and in such event the power of eminent domain is hereby conferred, and such land may be condemned. Such owner or owners of the land proposed to be condemned may be parties defendant in the manner of an ancillary proceeding as provided in the condemnation of right-of-way for railroads so far as the same may be applicable, and such damages as may be awarded as compensation shall be paid by the board of drainage commissioners out of the first funds which shall be available from the proceeds of sales of bonds or otherwise.

Sec. 12. The board of drainage commissioners of any district organized under this act, or their employees or agents, including contractors and their employees, and the engineer and

members of the board of viewers and their assistants, may enter upon the lands within or without the district in order to make surveys and examinations to accomplish the necessary preliminary purposes of the district, or to have access to the work, being liable, however, for actual damage done, but no unnecessary damage shall be done. Any person or corporation preventing such entrance shall be guilty of a misdemeanor, punishable by fine not exceeding fifty (50) dollars in the discretion of the court.

Sec. 13. The court of probate shall appoint a board of viewers consisting of three persons, one to be a competent civil and drainage engineer, and the other two members of the board to be disinterested owners of realty in the county or counties involved.

Sec. 14. After the district is established the court shall refer the report of the engineer back to the board of viewers to make a complete survey, plans and specifications for the drainage for levees or other improvements and fix a time when said engineer and viewers shall complete and file their report with the court, not exceeding ninety (90) days, unless further extension of time is granted by the court.

Sec. 15. The board of viewers shall have power to employ such assistance as may be necessary to make a complete survey of the drainage distinct, and shall enter upon the ground and make a survey of the main drain or drains and all its laterals, make such survey and secure such other data as may be deemed essential to the preparation of a comprehensive drainage plan. The line of each ditch, drain, or levee shall be plainly and substantially marked on the ground, and other improvements located. A drainage map of the district shall then be completed showing the location of the ditch or ditches and other improvements and the boundary, as closely as may be determined by the records of the lands owned by each individual land owner within the district. The location of any railroads or public highways and the boundary of any incorporated towns or villages within the district shall be shown on the map. There shall also be prepared to accompany this map a profile of each levee, drain or watercourse, showing the surface of the ground, the bottom or grade of the proposed improvement and the number of cubic yards of excavation or fill in each mile or fraction thereof, and the total cubic yards in the proposed improvement and the estimated cost thereof, and plans and specifications, and the cost of any other work required to be done.

Sec. 16. It shall be the further duty of the board of viewers to appraise the damages claimed by any one that are justly right and due to them for land taken or for inconvenience imposed because of the construction of the improvement or for any other legal damages sustained. Such damage shall be considered separate and apart from any benefit the land would receive because of the proposed work, and shall be paid by the board of drainage commissioners when funds shall come into their hands.

Sec. 17. When the levee and drainage ditches or other improvements herein provided for shall have been located and established as provided for in this act, the board of viewers shall within twenty (20) days after their appointment begin to personally inspect and classify all the lands benefited by the location and construction of such levee or drainage ditches in tracts of forty (40) acres or less according to the legal or recognized subdivisions in a graduated scale of benefits to be numbered according to the benefit received by the proposed improvements; and they shall make an equitable apportionment of the costs, expenses, costs of construction, fees and damages assessed for the construction of any such improvement, and make a report thereof in writing to the court. In making the said assessment the lands receiving the greatest benefit shall be marked on a scale of 100 and those benefited in a less degree shall be marked with such percentage of 100 as the benefit received bears in proportion thereto. This classification when finally established shall remain as a basis for all future assessments connected with the objects of said levee and drainage district unless the board of viewers for good cause shall authorize a revision thereof. If the first assessment made by the board of viewers is insufficient to pay the cost of construction, additional assessments may be made in the same ratio as the first, and they shall make additional assessments in like manner for repairing said improvements when needed. An assessment roll, to be included as part of the final report, shall be made out, containing a description of the drainage, a description of each tract of land affected thereby, the names of the owners thereof and the amounts assessed to each tract, and shall be filed with the court.

Sec. 18. The board of viewers shall keep an accurate account and report to the court the name of each person and the number of days employed on the survey and the kind of work said person was doing, and any expenses that may have been incurred in going to and from the work and the cost of any sup-

plies and material that may have been used in making a survey.

Sec. 19. In case the work is delayed by high water, sickness, or any other good cause, and the report is not completed at the time fixed by the court, the board of viewers shall appear before the court and state in writing cause of such failure and ask for sufficient time in which to complete the work, and the court shall then set another date by which the report shall be completed and filed.

Sec. 20. When the final report, which shall contain a copy of the assessment roll, is completed and filed, it shall be examined by the court, and if it be found to be in due form and in accordance with the law, it shall be accepted, and if not in due form it may be referred back to the board of viewers with instructions to secure further information to be reported at a subsequent date to be fixed by the court. When the report is fully completed and accepted by the court a date not less than twenty (20) days thereafter shall be fixed by the court for the final hearing upon the report, and notice thereof shall be given by publication as herein defined. During this time a copy of the report shall be on file in the office of the court and shall be open to the inspection of any landowner or other person interested within the district.

Sec. 21. At the date set for hearing any landowner may appear in person or by counsel and file his objection in writing to the report of the board of viewers; and it shall be the duty of the court to carefully review the report of the board of viewers and the objections filed thereto, and make such changes as are necessary to render substantial and equal justice to all the landowners in the district. If in the opinion of the court the cost of construction together with the amount of damages assessed is not greater than the benefits that will accrue to the land affected, the court shall confirm the report of the viewers. If, however, the court finds that the cost of construction together with the damages assessed is greater than the resulting benefit that will accrue to the lands affected the court shall dismiss the proceedings at the cost of the petitioners, and the securities upon the bond, or the signers of the articles of association so filed by them, shall be liable for such costs. The court may from time to time collect from the petitioners such amounts as may be necessary to pay costs accruing.

Sec. 22. Any party aggrieved may within ten days after the confirmation of the final report appeal to the circuit court, or court of like jurisdiction, in term time. Such appeal shall

be taken and prosecuted as now provided by law. Such appeal shall be based and heard only upon the exceptions theretofore filed by the complaining party, either as to issue of law or fact, and no additional exceptions shall be considered by the court upon the hearing of the appeal.

Sec. 23. The court shall provide a suitable book known as the drainage record, in which it shall transcribe every petition, motion, order, report, judgment, or finding of the board in every drainage transaction that may come before it in such manner as to make a complete and continuous record of the case. Copies of all maps and profiles are to be furnished by the engineer and marked by the court "official copies," which shall be kept on file in the office of the court, and one other copy shall be pasted or otherwise attached to his record book.

Sec. 24. The board of drainage commissioners shall appoint a competent civil engineer as superintendent of construction. Such person shall furnish a bond in amount to be fixed and approved by the commissioners, conditioned upon the honest and faithful performance of his duties, such bond to be in favor of the board of drainage commissioners.

Sec. 25. The board of drainage commissioners shall cause notice to be given for two consecutive weeks in some newspaper published in the county wherein such improvements are located, if such there be, in at least one engineering or contracting journal having a national circulation, and such additional publication elsewhere as they may deem expedient of the time and place of letting the work of construction of said improvement, and in such notice they shall specify the approximate amount of work to be done and the time fixed for the completion thereof; and on the date appointed for the letting, they, together with the superintendent of construction, shall convene and let the proposed work to the lowest responsible bidder, either as a whole or in sections, as they may deem most advantageous for the district. The date of letting contracts shall be at least twenty (20) days after the date of first publication, exclusive of such date of publication. No bid shall be entertained that exceeds the estimated cost, except for good and satisfactory reasons it shall be shown that the original estimate was erroneous. They shall have the right to reject all bids and advertise the work again, if in their judgment the interest of the district will be subserved by so doing. The successful bidder shall be required to enter into a contract with the board of drainage commissioners and to execute a bond for the faithful performance of such contract, with sufficient sureties, in

favor of the board of drainage commissioners for the use and benefit of the levee or drainage district in an amount equal to 25 per centum of the estimated cost of the work awarded to him. In canvassing bids and letting the contract, the superintendent of construction shall act only in an advisory capacity to the board of drainage commissioners. The contract shall be based on the plans and specifications submitted by the board of viewers in their final report as confirmed by the court, the original of which shall remain on file in the office of the court of probate and shall be open to the inspection of all prospective bidders. All bids shall be sealed and shall not be opened except under the authority of the board of drainage commissioners and on the day therefor appointed for opening the bids. The drainage commissioners shall have power with the approval of the court to correct errors and modify the details of the report of the board of viewers if in their judgment they can increase the efficiency of the drainage plan and afford better drainage to the lands in the district without increasing the estimated cost submitted by the board of viewers and confirmed by the court.

Sec. 26. The superintendent in charge of construction shall make monthly estimates of the amount of work done, and furnish one copy to the contractor and file the other with the secretary of the board of drainage commissioners; and the commissioners shall, within five (5) days after the filing of such estimate, meet and direct the secretary to draw a warrant in favor of such contractor for ninety (90) per centum of the work done according to the specifications and contract; and upon the presentation of such warrant, properly signed by the chairman and secretary, to the treasurer of the drainage fund he shall pay the amount due thereon. When the work is fully completed and accepted by the superintendent he shall make an estimate for the whole amount due, including the amounts withheld on the previous monthly estimates which shall be paid from the drainage fund as herein provided.

Sec. 27. If any contractor to whom said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the board of drainage commissioners against such contractor and his bond, in the court of probate for damages sustained by the levee or drainage district, and recovery made against such contractor and his sureties. In such an event the work shall be advertised and relet in the same manner as the original letting.

Sec. 28. In the construction of the work the contractor shall have the right to enter upon the lands necessary for this

purpose and the right to remove private or public bridges or fences and to cross private lands in going to or from the work. In case the right-of-way of the improvement is through timber the owner thereof shall have the right to remove it if he so desires before the work of construction begins.

Sec. 29. Where any public ditch, drain or water-course established under the provisions of this act crosses a public highway the actual cost of constructing the same across the highway or removing old bridges or building new ones or enlarging old ones shall be paid for from the funds of the drainage district. Wherever any highway within the levee or drainage district shall be beneficially affected by the construction of any improvement or improvements in such district it shall be the duty of the viewers appointed to classify the land to give in their report the amount of benefit to such highway and notice shall be given by the court of probate to the clerk of the board of county commissioners in the county where the road is located of the amount of such assessment and the county commissioners shall have the right to appear before the court and file objections on behalf of the county the same as any landowner. When it shall become necessary for the drainage commissioners to repair any bridge or construct a new bridge across the highway by reason of enlarging any watercourse or of excavating any canal intersecting such highway the said bridge shall thereafter be maintained by and at the expense of the board of commissioners of such county or by such other official board or authority as by law shall be required to maintain such highway so intersected.

Sec. 30. Whenever the board of viewers shall make a survey for the purpose of locating a public levee or drainage district or changing a natural watercourse, and the same would cross the right-of-way of any railroad company it shall be the duty of the board of viewers to promptly notify the railroad company by serving written notice upon the agent of such company or its lessee or receiver that they will meet the company at the place where the proposed district, ditch, drain or watercourse crosses the right-of-way of such company, said notice fixing time of such meeting, which shall not be less than ten (10) days after the service of the same, for the purpose of conferring with said railroad company with relation to the place where and the manner in which said improvement shall cross such right-of-way. When the time fixed for such conference shall have arrived, unless for good cause more time is agreed upon, it shall be the duty of the board of viewers and the railroad company to agree,

if possible, upon the place where and the manner and method in which such improvement shall cross such right-of-way. If the board of viewers and the railroad company cannot agree, or if the railroad company shall fail, neglect or refuse to confer with the viewers, said viewers shall determine the place and manner of crossing the right-of-way of said railroad company and shall specify the number and size of openings required and the damages, if any, to said railroad company, and so specify in their report to the court, and they shall further specify that they could not agree with the railroad company or that the latter failed, neglected or refused to confer with them. The railroad company or companies shall be required to construct, build and maintain any new bridges or culverts, or to enlarge, strengthen, reconstruct or replace any old ones at its or their own expense, in all cases where the drainage improvements follow swales, bayous, natural water courses or existing waterways and intersect said railroad or railroads, and such expenses incurred in building, constructing and maintaining such bridges, or by enlarging, strengthening, reconstructing or replacing old ones shall not be considered as damages to the said railroad company or companies, but where new bridges or culverts are required across railroad rights-of-way, because the drainage improvements do not follow swales, bayous, natural watercourses or existing waterways, the expenses of building such bridges and culverts shall be borne by the drainage district. The board of viewers shall also assess the benefits that will accrue to the right-of-way, roadbed, and other property of said company by affording better drainage or a better outlet for drainage, but no benefits shall be assessed because of the increase in business that may come to said road due to the construction of the drainage improvements. Such benefits shall be assessed as provided in section 17 of this act, and shall be reported by the board of viewers as an assessment due personally from the railroad company and unless the same is paid when due by the company as an assessment, it may be collected in the manner of an ordinary debt in any court having jurisdiction.

Sec. 31. The court of probate shall have notice served upon the railroad company of the time and place of the meeting to hear and determine the final report of the board of viewers, and the said railroad company shall have the right to file objections to said report and to appeal from the findings of the board of viewers, in the same manner as any landowner, but such an appeal shall not delay or defeat the construction of the improvement.

Sec. 32. After the contract is let and the actual construction is commenced, the superintendent in charge of construction shall notify the railroad company of the probable time at which the contractor will be ready to enter upon the right-of-way of said road and construct the work thereon. It shall be the duty of said railroad to send a representative to view the ground with the superintendent of construction and arrange the exact time at which such work can be most conveniently done. At the time agreed upon the said railroad company shall remove its rails, ties, stringers and such other obstructions as may be necessary to permit the excavation of the channel across its right-of-way. The work shall be so planned and conducted as to interfere in the least possible manner with the business of the said railroad. If the superintendent of construction and the railroad company shall not be able to agree as to the exact time at which such work can be done, including the time of beginning and the time to be consumed in such work, either party may give written notice thereof to the president of the railroad commission of the State, and thereupon the said railroad commission shall cause an investigation to be made, and after hearing both parties shall fix the time of beginning such work and the time to be consumed in such work of construction, and the final determination of the railroad commission thereon shall be binding upon the superintendent of construction representing the district and the railroad company, and the work shall be done in such time as may be fixed by the said railroad commission. In case the railroad company refuses and fails to remove its track or tracks so as to permit the construction of work on its right-of-way and the passage of the necessary equipment of the contractor, it shall be held as delaying the construction of the improvement, and such company shall be liable to a penalty of \$25 per day for each day of delay, to be collected by the board of drainage commissioners for the benefit of the drainage district as in the case of other penalties. Such a fine may be collected in any court having jurisdiction, and shall inure to the benefit of the drainage district. Within thirty (30) days after the work is completed an itemized bill for the actual expenses incurred by the railroad company for opening its tracks shall be made and presented to the superintendent of construction of the drainage district. Such bill, however, shall not include the cost of putting in a new bridge or strengthening or enlarging an old one, except as herein provided. The superintendent of construction shall audit this bill, and if found correct, approve the same and file it with the secretary of the board of drainage

commissioners, who shall reimburse the said railroad company for such expense.

Sec. 33. Whenever any improvement constructed under this act is completed, it shall be under the control and supervision of the board of drainage commissioners. It shall be the duty of said board to keep the levee, ditch, drain, watercourse, or any other improvements, in good repair, and for this purpose they may levy an assessment on the lands benefited by the construction of such improvement in the same manner and in the same properties as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining the ditch, drain, watercourse, or other improvements, in perfect order; provided, however, that if any repairs are made necessary by the act or negligence of the owner of any land through which such improvement is constructed, or by the act or negligence of his agent or employee, or if the same is caused by the cattle, hogs, or other stock of said owner, employee, or agent, then the cost thereof shall be assessed and levied against the lands of said owner alone, to be collected by proper suit instituted by the drainage commissioners; provided, further, that when it shall become necessary to repair any bridge or construct a new bridge across any railroad by reason of enlarging any water course or of excavating any canal intersecting, or by reason of wear and tear and natural deterioration of such bridge or structure, such repairs, maintenance and improvements shall be made at the expense of the said railroad. It shall be unlawful for any person to injure or damage or obstruct any improvements constructed under the provisions of this act, or to build any bridge, fence or floodgate across any levee, ditch, drain or watercourse, or any other improvement constructed under the provisions of this act, without securing the prior written consent of the board of drainage commissioners, and any person causing any injury, damage or obstruction, or building any bridge, fence or floodgate without the consent of the board of commissioners shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined not less than fifty (50) dollars nor more than one thousand (1,000) dollars, in the discretion of the court.

Sec. 34. The owner of any land that has been assessed for the cost of the construction of any ditch, drain, watercourse, or other drainage improvement as herein provided shall have the right to use the ditch, drain or watercourse as an outlet for lateral drains from said land; and if said land is separated from the ditch, drain, watercourse, or other drainage improvement

by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may file his ancillary petition in such pending proceeding to the court, and the procedure shall be as now provided by law. When the ditch is constructed it shall become a part of the drainage system and shall be under the control of the board of drainage commissioners and be kept in repair by them as herein provided.

Sec. 35. After the classification of lands and the ratio of assessments of the different classes to be made thereon has been confirmed by the court, the board of drainage commissioners shall ascertain the total cost of the improvement, including damages awarded to be paid to owners of land, all costs of incidental expenses, including a reasonable attorney's fee as counsel to petitioners in conducting the proceedings in behalf of the petitioners, and also including an amount sufficient to pay the necessary expenses of maintaining the improvement for a period of five years after the completion of the work of construction, after deducting therefrom any special assessment made against any railroad or highway, and, thereupon, the board of drainage commissioners, under the hand of the president and secretary of the board, shall certify to the court of probate the said total costs ascertained as aforesaid; and the said certificate shall be therewith recorded in the drainage record and open to inspection of any landowner in the district. The board of drainage commissioners shall immediately prepare, in duplicate, the assessment rolls, giving thereon the names of the owners of land in the district, so far as can be ascertained from the public records, a description of the several tracts of land assessed and the amount of the assessment against each tract of land. The first of these assessment rolls shall provide assessments sufficient for the payment of interest on the bond issued, to accrue the fifth year after their issue and the installment of principal to fall due at the expiration of the fifth year after the date of issue, together with such amounts as shall have to be paid for collection and handling of the same. The second assessment roll shall make like provision for the sixth year; the third for the seventh year; the fourth for the eighth year; the fifth for the ninth year; the sixth for the tenth year; the seventh for the eleventh year; the eighth for the twelfth year; the ninth for the thirteenth year; and the tenth for the fourteenth year. Each of said assessment rolls shall specify the time when collectible and be numbered in their order, and the amounts as-

essed against the several tracts of land shall be in accordance with the benefits received, as shown by the classification and the ratio of assessments made by the viewers. These assessment rolls shall be signed by the president and secretary of the board of drainage commissioners. One copy of each of said assessment rolls shall be filed with the drainage record and one copy shall be delivered to the tax collector, after the judge of the court of probate has appended thereto an order directing the collection of said assessments, and said assessments shall thereupon have the force and effect of a judgment, as in the case of state and county taxes. These assessments shall constitute a first and paramount lien, second only to State and county taxes upon the lands assessed for the payment of said bonds and interest thereon as they become due, and shall be collected in the same manner by the same officers as the State and county taxes are collected. The said assessments shall be due and payable on the first Monday in September each year, and if the same shall not be paid in full by the thirty-first of December following, it shall be the duty of the tax collector to sell the land or lands so delinquent, the sale of lands for failure to pay such assessments to be made at the courthouse door of the county in which the lands are situated, between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon of the first Monday in February of each year, and if for any necessary cause the sale cannot be made on that date, the sale may be continued from day to day for not exceeding four days, or the lands may be readvertised and sold on the first Monday in March succeeding, during the same hours, without any order therefor. In all other respects, except as to time of sale of lands, the existing law as to the collection of State and county taxes shall have application to the collection of drainage assessments under this act. It shall be the duty of the sheriff or tax collector to pay over to the county treasurer promptly the money so collected by him upon said tax assessments, to the end that the said treasurer may have funds in his hand to meet the payment of interest and principal due upon the outstanding bonds as they mature. It shall be the duty of the county treasurer, and without any previous order from the board of drainage commissioners, to provide and pay the installments of interest at the time and place as evidenced by the coupons attached to said bonds, and also to pay the annual installment of the principal due on said bonds at the time and place as evidenced by said bonds, and the said county treasurer shall be guilty of a misdemeanor and subject upon conviction to a fine or imprisonment in the discretion

of the court, if he shall willfully fail to make prompt payments of the said interest and principal upon said bonds, and shall likewise be liable in a civil action for all damages which may accrue, either to the board of drainage commissioners or the holder of said bonds to either or both of which the right of action is hereby given.

Sec. 36. If the total cost of the improvement is less than an average of fifty (50) cents per acre on all the land in the district, the board of drainage commissioners shall forthwith assess the lands in the district therefor, in accordance with their classification, and said assessment shall be collected in one installment, by the same officer and in the same manner as State and county taxes are collected, and payable at the same time. In case the total cost exceeds an average of fifty (50) cents per acre on all lands in the district, the board of drainage commissioners shall give notice by publication as herein prescribed, reciting that they propose to issue bonds for the payment of the total cost of the improvement, giving the amount of bonds to be issued, the rate of interest that they are to bear and the time when payable. Any landowner in the district not wanting to pay interest on the bonds, may, within fifteen (15) days after publication of said notice is completed, pay to the county treasurer the full amount for which his land is liable, to be ascertained from the classification sheet and the certificate of the board showing the total cost of the improvement, and have his lands released from liability to be assessed for the said improvement; but such land shall continue liable for any future assessment for maintenance or for any increased assessment authorized under the law.

Sec. 37. Each and every person owning land in the district who shall fail to pay to the county treasurer the full amount for which his land is liable, as aforesaid, within the time above specified, shall be deemed as consenting to the issuance of drainage bonds, and in consideration of the right to pay his proportion in installments, he hereby waives his right of defense to the payment of any assessments which may be levied for the payment of bonds, because of any irregularity, illegality, or defect in the proceedings prior to this time, except in case of an appeal, as hereinbefore provided, which is not affected by this waiver.

Sec. 38. At the expiration of fifteen (15) days after publication of notice of bond issue, the board of drainage commissioners may issue bonds of the drainage district for an amount equal to the total cost of the improvement, less such amounts

as shall have been paid in in cash to the county treasurer, plus an amount sufficient to pay interest on the bond issue for the five (5) years next following the date of issue. These bonds shall bear interest not to exceed six (6) per cent per annum, payable semi-annually, and shall be paid in ten (10) equal installments. The first installment of principal shall mature at the expiration of five (5) years from the date of issue and one installment for each succeeding year for nine (9) additional years. The commissioners may sell these bonds at not less than par and devote the proceeds to the payment for the work as it progresses, and to the payment of the interest on said bonds for the five (5) years next following the date of issue and to the payment of the other expenses of the district provided for in this act. The proceeds from such bonds shall be for the exclusive use of the levee or drainage district specified on their face, and shall be numbered by the board of drainage commissioners and recorded in the drainage record, which record shall set out specifically the lands embraced in the district on which the tax has not been paid in full, which land is to be assessed as hereafter provided. If any installment of principal or interest represented by the said bond shall not be paid at the time and in the manner when the same shall become due and payable, and such default shall continue for a period of six (6) months, the holder or holders of such bond or bonds upon which default has been made may have a right of action against said drainage district or the board of drainage commissioners of said district, wherein the court may issue a writ of mandamus against the said drainage district and its officers including the tax collector and treasurer directing the levying of a special assessment as herein provided and the collection of same, in such sum as may be necessary to meet any unpaid installments of principal and interest and cost of action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action as hereby vested in the holder or holders of such bond upon which default has been made, authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bonds of the tax collector and county treasurer shall be liable for the faithful performance of the duties herein assigned him. Such bonds may be increased by order of the court. That the bonds and coupons issued under and by authority of this and other sections of this act shall be exempt from all county or municipal taxation, direct or indirect, general or special,

whether imposed for purposes of general revenue or otherwise, and the interest thereon shall not be subject to taxation as for income nor shall said bonds and coupons be subject for taxation when constituting part of the surplus of any bank, trust company or corporation, but when constituting a part of such surplus shall be deducted from the total assets in order to ascertain the total taxable value of such shares.

Sec. 39. Each member of the board of drainage commissioners shall receive three (\$3.00) dollars per diem and each member of the board viewers other than the engineer shall receive as compensation for their services five (\$5.00) dollars per diem when actually employed, together with his necessary expenses incurred in the performance of his duties. Any engineer or assistant engineers employed under the provisions of this act shall receive such compensation for his or their services as shall be fixed and determined upon by the court of probate together with all necessary expenses until the board of commissioners is appointed, who shall then assume charge of these matters. The compensation for rodmen, axmen, chainmen, and other laborers shall not exceed two (\$2.00) dollars per diem and necessary expenses, the exact amount to be determined by the person employing such assistants. All other fees and costs incurred under the provisions of this act and not otherwise provided for shall be the same as provided by law for like services in other cases. The fees, costs and expenses shall be paid by order of the board of drainage commissioners out of the drainage fund provided for that purpose, and the board of drainage commissioners shall issue warrants therefor when funds shall be in the hands of the county treasurer.

Sec. 40. Where the court has confirmed an assessment for the construction of any public levee, ditch, drain, watercourse, or other improvement and such assessment has been modified by the court of superior jurisdiction, but for some unforeseen cause it cannot be collected, the board of drainage commissioners shall have power to change or modify the assessment as confirmed to conform to the judgment of the probate court and to cover any deficit that may have been caused by the order of said court or unforeseen occurrence. The said relevy shall be made for the additional sum required in the same ratio on the lands benefited, as the original assessment was made. If any person, or any number of persons, claiming to have title to any tract or tracts of land subject to assessment or drainage tax, shall fail to pay an annual assessment levied against such lands, the tax collector shall be compelled to sell such lands under the law for

the purpose of making such collections, the net proceeds of such sale shall be paid to the county treasurer, to be held by him and disbursed for the purpose of paying the current assessment and future annual assessments, so far as the said proceeds may be sufficient. When the fund in the custody of the treasurer shall be exhausted in payment of annual assessments against such lands, or there shall not be a sufficient sum to pay the next annual assessment, the county treasurer shall immediately give written notice to that effect to the chairman of the board of drainage commissioners of the district, and also to the court of probate, whereupon the board of drainage commissioners shall institute an investigation of said tract or tracts of land to determine its market value, and if they shall find that its market value is not equal to all the future annual assessments to cover its share of installments of principal and interest on the outstanding bonds, they shall proceed, with the approval of the court of probate, to make new reassessment rolls on all the remaining lands in the district, and increase the same in sufficient sums to equal the deficit thereby created, and such new assessment rolls shall constitute the future assessment rolls until changed according to law, and shall be certified to the tax collectors as herein provided in lieu of the former assessment rolls. However, the said tract or tracts of land which have been so sold by the tax collector shall continue on the assessment roll in the name of the new owner, but reassessed upon the new basis, and the drainage tax collected at the same time and in the same manner as other lands as long as said lands may have sufficient market value out of which to collect the annual drainage tax, and when such lands have ceased to have such value, or shall be abandoned by the person claiming title thereto, the drainage commissioners may omit the same from the assessment roll with the approval of the court of probate; but the said lands may in the same manner at any time in the future be restored to the assessment rolls. If the funds in the hands of the county treasurer at any time, arising under this section or in any other manner, shall be greater than is necessary to pay the annual installments of principal and interest, or the annual cost of maintenance of the drainage works, or both, such surplus shall be held by the county treasurer for future disbursement for other purposes as herein provided or subject to the order of the board of drainage commissioners. If there shall be any impairment or destruction of the drainage works by any unforeseen cause or occurrence, during the period of construction by the contractor, the said contractor shall nevertheless

repair and complete the said works according to the contract and specifications, and shall be liable therefor and also his sureties on his bond; but if said contractor shall make default and if there shall be a failure to collect all resulting damages from such contractor and the sureties upon his bond, and it shall thereby be necessary to raise a greater sum of money to complete the drainage works in accordance with the plans, or if for any other unavoidable cause it shall be necessary to raise a greater sum to complete such drainage works, the board of drainage commissioners, having first obtained the approval of the court of probate, shall prepare new assessment rolls upon all the lands in the district upon the original basis of classification of benefits, and increase the same in sufficient sums to equal the deficit thereby created, and the same shall constitute the new assessment rolls until changed according to law, and shall be certified to the tax collector as herein provided. If for any of the causes hereinbefore recited in this section or for any other cause, a sum of money greater than the proceeds of sale of the drainage bonds shall become necessary to complete said drainage system, and the board of drainage commissioners shall determine that the amount to be raised is greater than can be realized from the collection of one annual assessment upon the lands in the district without imposing an undue burden upon said lands, or if it is advisable or necessary to raise the money more expeditiously, then and under such conditions additional bonds may be issued in such aggregate sum as may be necessary. The proceedings for the issue of such additional bonds shall be substantially as follows: The board of drainage commissioners shall file their petition with the court of probate, setting forth all the facts which require the expenditure of more money and the issue of additional bonds to complete the drainage system, which shall be accompanied by the recommendation of the drainage engineer, who was one of the original viewers, or some other expert drainage engineer selected by the drainage commissioners; whereupon the court shall issue a notice to all the owners of land within the district, reciting the substance of the petition and directing each to appear before the court on a day certain, not less than twenty (20) days after the service upon all the parties, and to show cause, if any they have, why the additional bonds should not be authorized, which notice shall be served personally on each landowner by reading the same, and by leaving a copy, and, if the same cannot be personally served, then it shall be served in the manner authorized by law. Any landowner may file an answer denying any mate-

rial allegation in the petition or setting forth any valid objection to same before the return day thereof. Upon the day when said notice is returnable, or on such day as to which the same may have been continued, the court shall proceed to hear the petition and answers. If the court shall find that the allegations of the petition are true and that the issue of additional bonds is advisable or necessary the court shall make an appropriate order authorizing and directing the issue of such additional bonds, fixing the amount of such issue, the date of same, the time when the interest and principal shall be payable, and all other matters necessary and appropriate in the premises. Any landowner may appeal from the order of the court of probate to the circuit court or court of like jurisdiction and on such appeal only the issues raised in the answer shall be considered. After the court shall have ordered the additional issue of bonds, the further procedure as to the assessment rolls, the levying and collecting of the drainage taxes, the disbursement of the revenue therefrom for the payment of said bonds and interest thereon, and all further procedure shall be the same as provided in this act. The additional bonds issued shall not exceed twenty-five (25%) per cent of the total amount originally issued. The additional issue of bonds shall bear interest not to exceed six (6%) per cent per annum payable semi-annually, and may be made payable in ten (10) annual installments, or lesser number of annual installments as nearly equal as may be, as recommended by the board of drainage commissioners and approved by the court.

Sec. 41. The provisions of this act shall be liberally construed to promote the leveeing, ditching, draining and reclamation of wet and overflowed lands. The collection of the assessment shall not be defeated, where the proper notices have been given, by reason of any defect in the proceedings occurring prior to the order of the court confirming the final report of the viewers; but such order or orders shall be conclusive and final that all prior proceedings were regular and according to law, unless they were appealed from. If on appeal the court shall deem it just and proper to release any person or to modify his assessment or liability, it shall in no manner affect the rights and legality of any person other than the appellant, and the failure to appeal from the order of the court within the time specified shall be a waiver of any illegality in the proceedings, and the remedies provided for in this act shall exclude all other remedies.

Sec. 42. Any engineer, viewer, superintendent of construction or other person appointed under this act may be removed by the court, upon petition, for corruption, negligence of duties or any other good and satisfactory cause shown.

Sec. 43. Whenever it may be desirable to construct, widen, deepen, straighten or change any ditch, drain, watercourse, or levee lying on or along, across or near the State line between the State of Alabama and the adjoining States, or whenever it may be desirable to construct, repair or improve any work of drainage as provided for in this act, which ditch, drain, watercourse or other work of drainage cannot be constructed, repaired or improved in the best manner without affecting lands in such adjoining States, the board of drainage commissioners in the county or counties in which such work is located shall have authority to join with the proper officers of such adjacent county or counties of other States in the construction, widening, deepening, straightening, repairing or improving of any such drain, ditch, watercourse, or other work of drainage. Such drainage commissioners in any county or counties of this State are given power jointly to enter into contracts with the proper officers of such county or counties in adjoining States to construct, repair or improve any such work of drainage, each to pay such proportion of costs and expenses of the work as the contracting officials shall deem just. Such work of drainage shall be made on petition, as provided for in this act in relation to other works of drainage, and all other provisions of this act, as far as applicable, shall govern the drainage commissioners and other officers of this State in relation to such joint work of drainage.

Sec. 44. The board of drainage commissioners shall have the right and authority to enter into contracts or other agreements with the United States Government or any department thereof with persons, railroads, or other corporations, with public corporations and the State Government of this or other States, with drainage conservation or other improvement district in this or other States, for cooperating or assisting in constructing, maintaining, using, and operating the works of the district, or for making surveys and investigations, or reports thereon, and may purchase, lease, or acquire land or other property in adjoining States in order to secure outlets, or for other purposes of this act, and may let contracts or spend money for securing such outlets or other works in adjoining States which may be necessary to carry out the provisions of this act.

Sec. 45. All petitions provided for under this act may be signed by women, whether married or single, provided they own land in the proposed district; guardians may sign for their wards; trustees, executors, and administrators may sign for the estates represented by them, and if the signature of any corporation is attested by the corporate seal, the same shall be sufficient evidence of the assent of the corporation. Notice by publication wherever referred to in this act unless otherwise specified, shall consist of publication once a week for three consecutive weeks in some paper having general circulation in the county or counties wherein the land in the drainage district is located and by posting a written or printed notice on the door of the courthouse and at five (5) conspicuous places throughout the district. It shall not be necessary that the publication shall be made on the same day in each of the three weeks, but not less than fourteen (14) days, excluding the day of the first publication, shall intervene between the first publication and the last publication, and publication shall be deemed complete on the date of the last publication. The term "court" wherever it appears in this act, and unless some other court is specifically designated shall be construed to mean court of probate. The term "board of commissioners" wherever it appears in this act shall be construed to refer to the board of drainage commissioners. The term "person" as used in this act shall be construed to mean any individual, partnership, stock company or corporation.

Sec. 46. All laws and parts of laws, general or special, in conflict with this act are hereby repealed. The term "swamp and overflow lands" as used in this act shall not be construed to apply alone to the present classification of lands under the laws of this State, but said term shall extend to and include all lands that need drainage regardless of former classification.

Sec. 47. This act shall be in effect from and after the date of its approval.

Approved March 4, 1915.

No. 169.)

(H. 208—Weakley.

AN ACT

To regulate the employment of minor children within the State of Alabama; to prohibit the employment of minors under certain conditions; to provide for the inspection and regulation of establishments, occupations, places and premises where minors are employed; to entrust the enforcement of the provisions of this act to the State prison inspector; to punish violations of this act; and to repeal acts in conflict with the provisions hereof.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after September first, 1915, no child under thirteen years of age, and on and after September first, 1916, no child under fourteen years of age shall be employed, permitted or suffered to work or be employed in any gainful occupation, except agriculture or domestic service: Provided, however, that boys twelve years of age and over may be employed in business offices and mercantile establishments in cities or towns under twenty-five thousand population, according to the latest federal census, during such time as the public schools in the city or town in which the child resides are not in session.

Sec. 2. No child under sixteen years of age shall be employed, permitted or suffered to work in any gainful occupation except agriculture, or domestic service for more than six days in any one week, or more than sixty hours in any one week, or more than eleven hours in any one day, or before the hour of six o'clock in the morning, or after the hour of six o'clock in the evening. The presence of any child under sixteen years of age in any mill, factory or workshop, laundry or mechanical establishment shall be prima facie evidence of its employment therein.

Sec. 3. It shall be the duty of every employer to post and keep posted in a conspicuous place in every room where any boy under the age of sixteen years or any girl under the age of eighteen years is employed, permitted or suffered to work, a printed notice stating the maximum number of hours such person may be required or be permitted to work on each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or for other meals. The printed form of such notice shall be furnished by the Inspector hereinafter named, and the employment of any minor for a longer time in any day than so stated, or at any time other than as stated in said printed form of notice shall be deemed a violation of the provisions of this act.

Sec. 4. No person under the age of eighteen years shall in any city of twenty-five thousand population, or more, according to the latest federal census, be employed, permitted or suffered to work as a messenger for any person, firm or corporation engaged in the business of telegraph, telephone or messenger service, in the distribution, transmission or delivery of goods or messages after the hour of nine o'clock in the evening or before the hour of five o'clock in the morning of any day, and in any city or town under twenty-five thousand population no person under the age of eighteen years shall be employed, permitted or suffered to work as a messenger for any person, firm or corporation engaged in such service, in the distribution, transmission or delivery of goods or messages after ten o'clock in the evening, or before five o'clock in the morning of any day; and no person under twenty-one years of age shall be employed in any establishment where intoxicating liquors are manufactured or sold.

Sec. 5. No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions: (1) operating or assisting in operating any of the following machines: (a) circular or band saws; (b) wood shapers; (c) wood jointers; (d) planers; (e) sand paper or wood polishing machinery; (f) wood turning or boring machinery; (g) machines used in picking wool, cotton hair, or any other material; (h) job or cylinder printing presses; (i) boring or drilling presses; (j) stamping machine used in sheet metal or tinware, or in paper or leather manufacturing, or in washer or nut factories; (k) metal or paper cutting machines; (l) corner staying machines; (m) steam boilers; (n) dough brakes or cracker machinery of any description; (o) wire or iron straightening or drawing machinery; (p) rolling mill machinery; (q) power punches or shears; (r) washing, grinding or mixing machinery; (s) laundering machinery; (2) or in proximity to any hazardous or unguarded gearing; (3) or upon any railroad, whether steam, electric or hydraulic; (4) or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this State.

Sec. 6. No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity—(1) in, about or in connection with any processes in which dangerous or poisonous acids are used; (2) nor in the manufacture or packing of paints, colors, white or red lead; (3) nor in soldering; (4) nor in occupations causing dust in injurious quantities; (5) nor in the manufacture or use of dangerous or pois-

onous dyes; (6) nor in the manufacture or preparation of compositions with dangerous or poisonous gases; (7) nor in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (8) nor on scaffolding; (9) nor in heavy work in the building trades; (10) nor in any tunnel or excavation; (11) nor in, about or in connection with any mine, coal breaker, coke-oven or quarry; (12) nor in assorting, manufacturing or packing tobacco; (13) nor shall any child under the age of sixteen years be employed upon the stage of any theatre or concert hall, or in any connection with any theatrical performance or other exhibition or show.

Sec. 7. It shall be unlawful for any firm, person or corporation to employ, permit or suffer any child under sixteen years of age to work in any gainful occupation, except agriculture or domestic service, unless such person, firm or corporation keeps on file for the inspection of the officials charged with the enforcement of this act, an employment certificate, as herein-after prescribed, for every such child and unless such person, firm or corporation, keeps on file for the inspection of the officials charged with the enforcement of this act, a complete list of all such children employed therein, provided, however, that in the cities or towns under twenty-five thousand population boys between the ages of twelve and fourteen years shall not be required to have such certificate for employment in business offices and mercantile establishments during such times as the public schools are not in session. The inspector charged with the enforcement of this act may make written demand on any employer in whose establishment a child apparently under sixteen years of age is employed or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall furnish him within ten days evidence satisfactory to him that such child is in fact sixteen years of age or over, or shall cease to employ or permit or suffer such child to work therein. Such official may require from such employer the same evidence of age of such child as is required for the issuance of any employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to such official within ten days after such demand, such evidence of the age therein required of him, and thereafter continue to employ such child or permit or suffer such child to work in such establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any

prosecution that such child is under sixteen years of age, and is unlawfully employed.

Sec. 8. No child under sixteen years of age shall be employed or be permitted to work, or be detained in or about any mill, factory or manufacturing establishment in this State, unless such child shall attend school for eight weeks in every year of employment, six weeks of which shall be consecutive.

Sec. 9. It shall be the duty of the Superintendent or principal of schools in cities or towns to issue the employment certificates mentioned in the foregoing section, or to authorize a person in writing to issue such certificates, acting in his name. Where there is no superintendent or principal of schools, said certificates shall be issued by the county superintendent of education or by person authorized by him in writing.

Sec. 10. The person authorized to issue employment certificates shall not issue such certificates unless the child in question, accompanied by its parents or guardian, or person standing in parental relation thereto, has personally made application to him therefor, and until he has received, examined, approved and filed the following papers duly executed: (1) A school record signed by the principal or teacher of the school last attended by said child, stating that such child has attended school for at least sixty days of the year immediately preceding the date on which the certificate is issued, and stating also the age and date of birth of said child, as shown on the records of the school, and the name and address of the parent, guardian or custodian: provided, that such evidence of school attendance outside of the State of Alabama, may be accepted at the discretion of the officer issuing these certificates; (2) one of the following evidences of age, showing the child to be fourteen years of age or over or if before September 1st, 1916, thirteen years of age or over, to be required in the order herein designated: (a) A duly attested transcript of the birth record of said child, filed according to law, with any officer charged with the duty of recording births, (b) or, a passport or duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child, (c) or, in case the officer authorized to issue such certificate is satisfied that none of the above proofs of age can be produced, other evidence of the age, such as the affidavit of the parent, guardian or custodian of such child, as shall convince such officer that the child is fourteen years of age or over, or, if before September 1st, 1916, thirteen years of age or over. The superintendent of schools in any city, town or district, wherever there is one, and where

there is none, the county superintendent of education, shall between the first and tenth days of each month, transmit to the office of the State inspector hereinafter mentioned, a report, which report shall give the name of each child to whom a certificate has been granted, or denied during the preceding month, together with the ground of such denial. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting the same to such State official, shall constitute a misdemeanor, punishable by a fine of not more than twenty-five dollars nor less than five.

Sec. 11. Such certificate shall state the full name, place and date of birth of such child with the name and address of the parent, guardian, or persons sustaining the parental relationship to such child, and shall contain a statement signed by the issuing officer that the child has personally appeared before him and that satisfactory evidence has been submitted that said child is fourteen years of age or over, or, if before September 1st, 1916, thirteen years of age or over. The printed form of the certificate, and other papers required in the issuing of employment certificates, shall be drafted by the State inspector, hereinafter mentioned, and furnished by him to the local and county superintendents of education.

Sec. 12. On the termination of the employment of a child under the age of sixteen years, the employment certificate shall be returned by the employer holding the same, to the child to whom it is issued, or if the certificate of such child is not claimed by such child within ten days after the termination of its employment, it shall be returned by the employer to the school authority by whom it was issued.

Sec. 13. No boy under twelve years of age, and no girl under eighteen years of age, in any city of twenty-five thousand population, or more, according to the latest federal census, shall distribute, sell, expose, or offer for sale, newspapers, magazines, periodicals, hand-bills or circulars, or be employed or permitted or suffered to work in any other trade, or occupation performed in any street or public place; provided, however, that boys ten years of age or over may engage in the distribution of newspapers and periodicals on fixed routes in the resident districts of such cities. No boy under sixteen years of age shall engage in any such street occupation in any city of twenty-five thousand or more population, according to the latest federal census, after eight o'clock at night, or before five o'clock in the morning of any day; or unless he has secured and wears in plain sight a badge as herein provided; or unless he is a regular

school attendant. Such badge shall be provided and issued by the superintendent of schools or some person designated by him in writing, and shall be granted only after the child has applied to him personally, accompanied in person by his parent, guardian or custodian, and has submitted satisfactory proof that he is twelve years of age or over; or if engaged only in distributing papers or periodicals on fixed routes in the resident districts, ten years of age or over and that he is a regular attendant. Such badge shall be renewed annually on the first day of January and shall not be transferable, and the form, design or color shall be changed annually. A deposit of not more than fifty cents may be required by the person issuing same, to be returned upon the surrender of the badge, and if lost, the badge may be replaced upon the payment of twenty-five cents. Any child who shall engage in any such street occupation, in violation of the provision of this section, shall be deemed delinquent and brought before any court or magistrate having jurisdiction over juvenile delinquents, and shall be dealt with according to law. Use of a badge may be revoked or suspended by said court or its authorized representatives upon such violation, or in case the child's school record is not satisfactory to the principal of the school which he attends. Any person who sells, or offers for sale any article of any description to a boy under sixteen years of age to be used for the purposes of sale or barter upon the streets, or in any public place, shall first ascertain that such boy wears his own badge in plain sight, as herein provided, and if said boy has no badge no article shall be sold to him. Any person violating this provision shall be fined not less than one, and not more than fifty dollars. The police officers and other peace officers shall enforce the provisions of this section.

Sec. 14. It shall be the duty of the State prison inspector and his authorized assistants to inspect as frequently as possible, all establishments, wherein minors subject to the provisions of this act are, or may be, employed or permitted to work and to enforce the provisions of this act. For the purpose of administering this act, and any other laws relating to the employment of minors, the State prison inspector may be designated the State factory inspector; and his deputy inspectors may, in the performance of their duties, in enforcing the provisions of this act, be known as deputy factory inspectors. It shall be the duty of the inspectors to institute prosecution for the violation of any of the provisions of this act. The solicitor

of each county is charged with the duty of prosecuting all violations of this act.

Sec. 15. Every person, firm or corporation, owning or controlling any establishment wherein minors are employed, subject to the provisions of this act, shall keep such establishment in sanitary condition, and properly ventilated, and shall provide suitable and convenient water closets, or privies, separate for each sex, and in such number and located in such place or places, as may be required by the inspector; and when twenty or more persons are employed, sanitary drinking fountains shall be provided in such number as the inspector may deem necessary. All water closets shall be maintained inside such establishments except where, in the opinion of the inspector, it is impracticable. In all such establishments, there shall be separate water closets or privy compartments for females, to be used by them exclusively, and notice to that effect shall be painted on the outside of such compartment. The entrance to every water closet or privy, in such establishment, shall be effectively screened by a partition or vestibule. In every such establishment a printed copy of this act shall be kept conspicuously posted in every room in which minor persons work. It shall be the duty of the inspector to inspect thoroughly every such establishment, to issue a written order for the correction of unsanitary or unhealthful conditions in such establishment, and to compel compliance with such orders as herein provided.

Sec. 16. The inspector shall have free access at any time to any establishment where minors are, or may be employed or detained, and any person who refuses to allow the inspector to have free access to any such establishment and every part thereof; or who hinders or obstructs him in his inspection, or who makes any false statement to the inspector about the establishment, its operation or condition, or about any person working or detained therein, or who refuses to comply with any order issued under authority of section 15 of this act, shall be guilty of a misdemeanor, and shall be fined not less than fifty nor more than one hundred dollars, and on subsequent conviction shall be fined not less than two hundred dollars. It shall be the duty of the inspector to remove from any establishment any child found employed, working or detained therein contrary to law, and to remove therefrom any child who is afflicted with any infectious, contagious, or communicable disease.

Sec. 17. Any person, firm or corporation who violates any of the provisions of this act, or who permits any child to be employed or to work in or about, or be detained in, or to be in

or about any establishment, contrary to law, or who fails or refuses to obey within a reasonable time, any lawful orders or directions given by the State official charged with the enforcement of this act, unless a specified penalty is herein otherwise provided, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not less than ten dollars nor more than one hundred dollars, and upon second or subsequent conviction of any violation of any of the provisions of this act, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars.

Sec. 18. Any person who makes a false affidavit when an affidavit is required under this act is guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than five dollars nor more than twenty dollars, and for a second or subsequent conviction shall be imprisoned not more than ninety days.

Sec. 19. The State prison inspector and his deputies, when traveling in the performance of their duties herein prescribed, shall be reimbursed their actual traveling expenses, when approved by the State prison inspector and by the Governor to be paid on the warrant of the State auditor.

Sec. 20. The word "inspector" is used herein to designate or mean, the State prison inspector or his duly authorized deputies, such deputies being hereby clothed with the same duties and authority with which the State prison inspector is now or may hereafter be clothed. In the enforcement of the provisions of this act, the State prison inspector and his authorized deputies are hereby vested with the same authority as deputy sheriffs in each and every county in the State.

Sec. 21. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 22. If any section of this act shall be held unconstitutional, in whole or in part, the fact shall not effect any other section of this act, it being the intention of the Legislature in enacting this act to enact each section separately.

Approved February 24, 1915.

No. 175.)

(H. 523—Spessard.

AN ACT

To amend section 2 of "An act to change and regulate the appointment of the board of control of the Canebrake Agricultural Experiment Station, to prescribe the authority and duties of the said Board and to provide for the expenses of the said station."

Be it enacted by the Legislature of Alabama:

1. That section 2 of an act "to change and regulate the appointment of the board of control of the Canebrake Agricultural Experiment Station, to prescribe the authority and duties of the said board and to provide for the expenses of the said station," approved April 7, 1911, be amended so as to read as follows: The board is given authority to appoint and to discharge at pleasure such officers, agents, and servants as are deemed necessary to the operation of such station and to fix their compensation. The board is also given authority to hold institutes for the benefit of the farmers in the county that surrounds it; to select and compensate such lecturers as it may choose for such institutes and to provide for the entertainment of the persons who attend such institutes, and to select and compensate such lecturers as it may deem necessary for the purpose of properly instructing the farmers living within the vicinity of said station, or wherever the board may direct. The board shall have authority to lease or purchase such additional land as it may deem necessary and proper for the purpose of conducting the station to the greatest possible advantage. It shall also have authority to plant any crops it may see fit, including vegetables and fruits. It shall also have authority to experiment as it may see fit with all kinds of live stock, including poultry. It shall also have authority to sell and dispose of all surplus product that it may at any time have on hand; it shall also have authority to give away any of such product as it may see fit to promote the interests of agriculture in the county that surrounds it, to exchange the same with other parties or stations.

Approved March 9, 1915.

No. 62.)

(S. 41—Pride.

AN ACT

To prohibit officers and employees of any city or town from acting in the capacity of election or returning officer, marker or watcher or as deputy sheriffs in conducting elections in towns or cities and to provide penalty for violation.

Be it enacted by the Legislature of Alabama:

1. That it shall be unlawful for an officer or employee of any city or town to act in the capacity of election officer, returning officer, marker or watcher, or as a deputy sheriff in conducting any town or city election; and any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months.

2. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved April 5th, 1915.

No. 65.)

(H. J. R. 102.

HOUSE JOINT RESOLUTION.

House Joint Resolution, relative to inviting P. J. Holden, "Corn Wizard of Iowa," to address the Legislature of Alabama.

Resolved, by the House, the Senate concurring, That the Legislature of Alabama extend to P. J. Holden, "Corn Wizard of Iowa," an invitation to address a joint meeting of the House and Senate on Thursday the 18th day of February, 1915, between the hours of 1 and 2 P. M.

Passed by the House, the Senate concurring, Feb. 13, 1915.

No. 73.)

(S. 22—Hill.

AN ACT

To authorize the State to purchase the Seventh Volume of Mayfield's Digest of Alabama Reports.

Be it enacted by the Legislature of Alabama:

Section 1. That the secretary of State is authorized to purchase two hundred copies of the Seventh Volume of Mayfield's

Digest of the Alabama Reports, and on delivery to him of two hundred copies of said Seventh Volume of said Digest, the State auditor shall draw his warrant on the treasury of the State of Alabama for the price of said books, which price shall not exceed \$10.00 per volume.

Sec. 2. Be it further enacted, That the secretary of State shall distribute the said volumes as follows: One copy of said volume to every executive department of the State; one copy to every judge of the Supreme Court; one to the attorney general; one to every chancellor; one to every judge of the circuit court; one to every judge of the probate court; and one to every other court of record; one to every circuit, city court and county solicitor; one to every judge of the city and criminal courts of the State, the remaining copies to be deposited in the Supreme Court library and to be exchanged by the librarian for digests of other States.

Sec. 3. Be it further enacted, That the officers to whom said volumes are distributed by the State, shall turn over to their successors in office all volumes of said digest that may be delivered to them under the provisions of this act.

Approved March 26, 1915.

No. 105.)

AN ACT

(S. 114—McCain.

To amend an act entitled "An act to authorize the cities and towns of this State to convey real or personal property and to make appropriations of money from city funds, and issue bonds to aid in the location and construction of high schools and high school buildings, and to ratify and confirm all such conveyances and appropriations which have heretofore been made by any such city or town," approved August 26th, 1909.

Be it enacted by the Legislature of Alabama:

That said act approved August 26th, 1909, be so amended that it will read as follows: An act to authorize the cities and towns of this State to convey real or personal property and to make appropriations of money from city funds, and issue bonds to aid in the location and construction of high schools and high school buildings, and to ratify and confirm all such conveyances, appropriations and bond issues which have heretofore been made by any such city or town. Be it enacted by the Legislature of Alabama:

Section 1. That the cities and towns of this State be and they are hereby authorized and empowered to convey real or

personal property belonging to such cities or towns, and to make appropriations from city or town funds, and to issue bonds to aid in the location and in the construction of high schools and high school buildings under the act of the Legislature of Alabama, approved August 9th, 1907, entitled "An act to provide for the establishment of high schools in this State, and to make appropriations for said schools" and under the act of the Legislature of Alabama, approved April 8th, 1911, entitled "An act to amend sections 1861, 1862, and 1863 of the Code of Alabama."

Sec. 2. That all such conveyances of property and appropriations of funds and all such bond issues which have heretofore been made for the purpose named in section 1 of this act be, and the same are, hereby ratified and confirmed.

Approved April 5, 1915.

No. 114.)

AN ACT

(H. 482—John

To make an appropriation for tick eradication in Alabama.

Be it enacted by the Legislature of Alabama:

That there is hereby appropriated from moneys in the State treasury not otherwise appropriated twenty-five thousand dollars per annum for four years, to be used by the live stock sanitary board for the purpose of eradicating the cattle tick, under the provisions and restrictions of the live stock sanitary law. The amount expended in each county in the State out of monies appropriated in this act shall in no case exceed the amount expended by such county in carrying on the work of tick eradication.

Approved March 24, 1915.

No. 126.)

(S. J. R. 67.

SENATE JOINT RESOLUTION.

Be it resolved, by the Senate, the House concurring, That a sub-committee, one from the Senate and two from the House, shall be appointed by and from the joint recess committee on finance and taxation, to investigate, during the recess of the Legislature, port conditions in and around the city of Mobile,

with a view of reporting their findings and formulating measures to the end that maritime commerce may be facilitated and encouraged in Alabama's only sea port; and also to investigate the oyster question. And the members of said committee shall have their actual traveling expenses incurred in the performance of their duties herein prescribed paid. Said committee shall also investigate and report as to the rights or ownership of the State of Alabama in any islands or literal lands belonging to the State of Alabama along Mobile Bay.

Passed by the Senate, Feb. 18, 1915.

No. 142.)

(H. J. R. 110.

HOUSE JOINT RESOLUTION.

Resolved, by the House, the Senate concurring, That all bills now pending which to create a public service commission, or to extend the powers, jurisdiction and duties of the railroad commission so as to include the power to regulate and control all persons, firms and corporations engaged in any public service in this State, be referred to the joint committee on judiciary, with the request that such joint committee on judiciary investigate the question of a public service commission, and all bills referring thereto, and report to the Legislature after the recess their conclusions in the form of a bill or otherwise.

Passed by the House, the Senate concurring, Feb. 18, 1915.

No. 143.)

(H. J. R. 109.

HOUSE JOINT RESOLUTION.

Resolved, by the House, the Senate concurring, That no member of any recess committee raised or provided for by this session of the Alabama Legislature, shall be paid a per diem for any day any such member is absent when his committee is in session.

Passed by the House, the Senate concurring, Feb. 18, 1915.

No. 144.)

(H. 543—Hubbard.

AN ACT

To make appropriations for the expenses of encampments, maneuvers, target practices, schools of instruction, parades, reviews, and such other military expenses as the Governor may approve of the Alabama National Guard for the years 1915, 1916, 1917 and 1918.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of fifteen thousand dollars for the fiscal year ending September 30, 1915; that the sum of fifteen thousand dollars for the fiscal year ending September 30, 1916, and the sum of fifteen thousand dollars for the fiscal year ending September 30, 1917, and the sum of fifteen thousand dollars for the fiscal year ending September 30, 1918, or so much thereof as the Governor may, in his discretion, deem advisable or necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying expenses and costs of such encampments, maneuvers and such target practices, schools of instruction, parades, and reviews, at such places as the Governor may determine of the Alabama National Guard as may be ordered during those years, for the purpose of instruction and discipline, including in such expenses the subsistence of the officers and men as provided by the rules and regulations of the United States Army; also the transportation of officers and men to and from such camps, maneuvers, target practices, schools of instruction, parades and reviews as determined by the Governor; preparation of camp grounds and other expenses connected therewith, the preparation, procurement and maintenance of target ranges and other expenses connected therewith which the Governor may deem legitimate and necessary and such other military expenses as the Governor may approve.

Section 2. That the Governor shall make rules and regulations governing the disbursement of money under the provisions of this act, and all expenses authorized to be contracted by him shall be certified to and verified by affidavit, with receipts for each bill itemized, showing evidence of payment and paid to and through such officer or officers as the Governor may direct. The appropriation under this act shall be continuous from year to year until expended under the direction of the Governor as above provided.

Approved March 23, 1915.

No. 151.)

(H. 444—Scott.

AN ACT

To authorize the construction of viaducts and subways by railroad companies and street railway companies in municipalities in this State by and with the consent of such municipalities and to that end to acquire by condemnation all necessary property, lands and interest and easements therein.

Be it enacted by the Legislature of Alabama:

Section 1. Railroad companies and street railway companies may jointly or severally construct viaducts and subways in any municipality in this State by and with the consent of the municipality in which such viaduct or subway is to be constructed, and to that end, such railroad companies and street railway companies may condemn all necessary property, lands and interest and easements therein, including consequential damages to any property thereby injured or to be injured as well as any property taken or destroyed or to be taken or destroyed.

Sec. 2. Such condemnation proceedings may be had as provided by the general laws of this State governing the taking of lands or acquiring of interests therein for the uses for which private property may be taken, injured or destroyed.

Approved March 24, 1915.

No. 159.)

(H. J. R. 98.

HOUSE JOINT RESOLUTION

Relative to the appointment of a joint committee of eight to consist of five members from the House and three from the Senate to sit during the recess of the Legislature for the purpose of, and with full power and authority to investigate each and every department of State, the properties thereof, the expenditures therein, for what purpose and how paid, and to inquire into what money, if any, has been paid as interest on the bonded, floating, or other indebtedness of the State, when and by whom paid, and of any abuse or waste of public funds, and to investigate the methods used in contracting for, and supplying the text books, by the State Text Book Commission, to the students of the schools of Alabama, and providing for a report by the said joint committee upon the re-assembling of the Legislature, and providing for the expenses and compensation of the members and clerk of said committee.

Resolved, by the House, the Senate concurring, That a joint committee of eight, consisting of five members from the House, and three from the Senate, be named by the presiding officers of each House, to sit during the recess of the Legislature, with full power and authority to investigate each and every depart-

ment of State, and properties thereof, the expenditure therein, for what purpose, how paid, and to inquire into what money, if any, has been paid as interest on the bonded, floating or other indebtedness of the State, when and by whom paid, and of any abuse, waste, or improper use of public funds or property; and, for the purpose of carrying out this resolution, said committee shall have full power and authority to summon and examine witnesses, administer oaths, require the production of all books and papers as may be necessary in carrying out the purposes and intents of this resolution. That said committee shall investigate into the method of supplying adopted text books to students of the schools of Alabama; inquire into the contracts entered into by the State text book commission, and other plans or methods to provide more efficient and economical method of procuring a uniform system of text books for use in the schools of Alabama, the cost of compiling such books, and the actual cost of manufacturing and distribution of said books, and to make such recommendations in connection therewith which they may deem wise and proper. Said committee shall have the power to visit, itself, or by sub-committee, and inspect the different institutions, properties, and departments of the State, for the purpose of securing any information, and each member of said committee shall receive as compensation four (\$4.00) dollars per day for his services and mileage, and actual and necessary traveling expenses. Said committee shall be empowered to employ a clerk, who shall be an expert stenographer, who shall receive the sum of four (\$4.00) dollars per day as compensation for his services and actual traveling expenses. That a report of the proceedings of said committee shall be submitted in writing to the Legislature upon its reassembling after the recess. Be it further resolved, That the Speaker of the House be, and he is hereby made, ex-officio, a member of this committee, and also of each and every standing committee which has been named, or may be named, to sit during the recess, and shall receive as compensation the same pay as allowed other members of the committee.

Passed by the House, the Senate concurring, Feb. 13, 1915.

No. 168.)

(H. 518—Merritt.

AN ACT

To amend section 1, of an act, entitled an act to amend section 546 and 547 of the Code of 1907, approved August 26th, 1909, approved April 18th, 1911.

Be it enacted by the Legislature:

That section 1, entitled a bill to be entitled an act to amend section 1, of an act, entitled an act to amend section 546 and 547 of the Code of 1907, approved August 25th, 1909, approved April 18th, 1911, be amended to read as follows: 1. That section 546 of the Code of 1907, as amended by an act approved August 26th, 1909, be and the same is hereby amended so as to read as follows: The Governor is authorized to appoint five expert accountants of known integrity and skill, one of whom shall be known as chief examiner of public accounts, and the other four shall be known as examiners of public accounts, and who shall hold office for four years, and until their successors are appointed and qualified, and who shall, under the direction of the Governor, audit and examine the books, accounts, vouchers and records of every officer, public institution or organization, receiving or disbursing any funds that belong to the State, or to any county in the State, or any funds that have been appropriated by the Legislature for any persons, institution or organization. They are also required to examine and audit the books, accounts, vouchers and records of all county officers, including tax assessors charged with the duty of collecting or disbursing any part of the public revenues belonging to either the State or any county of the State. When required by the Governor so to do, one of the examiners shall count the money in the State treasury, and the Governor shall require either the auditor, secretary of State or the attorney general, or all of them, to be present and supervise the count, and join the examiner in certifying the result of the same to the Governor. An examiner may be detailed by the Governor as disbursing officer for the military when in encampment, or when called into service to aid in enforcing the law. Immediately after the completion of an examination of the several county officers, which shall be made at the same time that examinations are made for the State, the examiner making such examination shall make out an account, under oath, for and in the name of the State, against said county, for approximately the number of days engaged in the county examination for such county at the same rate of pay and expense allowed for State work and file the same with the clerk

of the board of revenue, court of county commissioners, or courts of like jurisdiction of said county, and also file a duplicate thereof with the State auditor, and the State auditor shall thereupon draw his warrant upon the county treasurer for said amount, and it shall be the duty of the county treasurer, immediately upon receipt of the auditor's warrant, to pay the said amount into the State treasury out of the first county funds coming into his possession. Wherever the word examiner appears, it shall be deemed to include chief examiner.

Approved March 23, 1915.

No. 170.)

(H. 442—Whorton.

AN ACT

To amend section 134 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

That section 134 of the Code of Alabama be and the same is hereby amended so as to read as follows: Section 134. Special tax for county buildings, bridges and roads. The court of county commissioners or other governing body of like jurisdiction in any county in this State, shall levy and collect such special taxes as it may deem necessary, not to exceed one-fourth of one per centum per annum, for the purpose of paying any debt or liability now existing against any county, incurred for the erection, construction or maintenance of the necessary public buildings or bridges, or incurred for the erection of public roads since the 28th day of November, 1901, or that may hereafter be created for the erection of public buildings, bridges or roads; which taxes so levied and collected shall be applied exclusively to the purpose for which the same are so levied and collected.

Approved March 23, 1915.

No. 174.)

(H. 445—Scott.

AN ACT

To authorize railroads, street railways and municipal corporations to acquire by condemnation the necessary property, easements, rights of way and other interests in lands, for viaducts and subways constructed or to be constructed in municipalities in this State.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever any railroad company, street railway company or municipal or other corporation proposes to

construct or has constructed or commenced the construction of any viaduct or subway in any municipality of this State, whether jointly with other such corporations or separately, it or they, may condemn therefor the necessary property, rights of way, easements and interests in land, including all damage and injury to property and lands as a consequence of the construction and maintenance of such viaduct or subway.

Sec. 2. Before any such viaduct or subway is constructed in any municipality of this State the consent of the governing body of such municipality must first be obtained thereto.

Sec. 3. Such condemnation proceedings may be had in the same manner as provided by the general laws of this State governing the taking of lands, or acquiring of interests or easements therein for the uses for which private property may be taken, injured or destroyed for public use.

Approved March 24, 1915.

No. 20.)

(H. 108—Vaughan.

AN ACT

To submit to the qualified voters of the State of Alabama at the general election to be held on the first Tuesday after the first Monday of November, 1916, for their consideration, an amendment to the Constitution of the State, fixing the salaries and compensations and allowances to be paid to the judge of probate, sheriff, the tax assessor and the tax collector of Montgomery county requiring the said officers to cover the fees collected by them into the county treasury of Montgomery county and authorizing and empowering the Legislature thereafter to fix and regulate and alter the costs, charges, and fees and salaries of such officers including the method and basis of their compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, viz: commencing at the beginning of their next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday of November, 1916, the compensation and allowance of the following named county officers of Montgomery county shall be as follows: Salary of judge of probate of Montgomery county \$5,000.00 per year net; allowance of \$5,500.00 per annum for office expenses as follows: one clerk at \$1,500.00 per annum; two clerks at \$1,000.00 per annum each; one clerk at \$800.00 per annum, and \$1,200.00

per annum for all other expenses, including extra clerks. The said \$1,200.00 to be paid to the judge of probate in monthly instalments and disbursed by him. The tax collector of Montgomery county shall receive a salary of \$4,000.00 per year net; allowance of \$1,500.00 per year for his clerk in said office and \$1,000.00 for extra help. The tax assessor of Montgomery county shall receive a salary of \$4,000.00 per year net; allowance of \$1,500.00 per year for a chief clerk in said office; \$900.00 for an assistant clerk in said office and \$600.00 per year for extra help. The sheriff of Montgomery county shall receive a salary of \$4,000.00 per year net; allowance of \$1,200.00 per year for a chief clerk in said office; \$1,380.00 per year for a chief deputy; \$2,200.00 per year for two deputies in said office, and \$1,000.00 for extra assistance. These amounts to be paid out of the county treasury of Montgomery county. This shall not interfere with the amounts now or hereafter allowed the sheriff for guards at the county jail or bailiffs for courts, nor with the provisions for feeding prisoners. The sheriff shall receive amounts now provided by law, and shall cover the same into the county treasury of Montgomery county, and the board of revenue of Montgomery county shall pay out of the county treasury of Montgomery county the expenses incurred by the sheriff in feeding said prisoners. The above named amounts shall be in lieu of all compensations and allowances to the respective named officers. These amounts shall be paid out of the county treasury of Montgomery county as the salaries of other county officers are paid. The above named officers shall collect the fees heretofore collected by them and shall cover such fees into the county treasury on the first Monday of each month. The board of revenue of Montgomery county shall provide said officers with necessary quarters, books, stationery and other conveniences. The Legislature of Alabama may hereafter from time to time by local or general laws, fix, regulate and alter the amount of the above named salaries and allowances, including the method and basis of their compensation, also fix, regulate and alter amount of compensation received by all other county officers of said county.

Sec. 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State, at least eight consecutive weeks, next preceding the general election in November, 1916, of the election on the amendment proposed by this act, to be submitted to the qualified voters of the State, for their consideration, together with the proposed amendment.

Sec. 3. That at the general election in November, 1916, an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the ballots used at such election shall be printed the following: "Amendment to the Constitution, fixing the compensations and allowances of the following named county officers of Montgomery county, commencing at the beginning of their next term of office, subsequent to the general election in November, 1916, as follows: Salary of judge of probate of Montgomery county \$5,000.00 per year net; allowance of \$5,500.00 per annum for office expenses as follows: one clerk at \$1,500.00 per annum; two clerks at \$1,000.00 per annum each; one clerk at \$800.00 per annum, and \$1,200.00 per annum for all other expenses including extra clerks. The said \$1,200.00 to be paid to the judge of probate in monthly instalments and disbursed by him. Tax collector of Montgomery county, salary of \$4,000.00 per year net; allowance of \$1,500.00 per year for a clerk, and \$1,000.00 per year for extra help. Tax assessor of Montgomery county, salary of \$4,000.00 per year net; allowance of \$1,500.00 for a chief clerk and \$900.00 per year for assistant clerk and \$600.00 per year for extra help. Sheriff of Montgomery county, salary of \$4,000.00 per year net; allowance of \$1,200.00 per year for chief clerk; \$1,380.00 per year for chief deputy, \$2,000.00 per year for two deputies, and \$1,000.00 per year for extra assistance. These amounts shall be paid out of the county treasury of Montgomery county as the salaries of other county officers are paid. The above named officers shall collect the fees heretofore collected by them, and shall cover such fees into the county treasury on the first Monday of each month. The above named amounts shall be in lieu of all compensation and allowances to the respectively named officers, except that this shall not interfere with the allowances for the guards at the county jail, bailiffs to attend the court of the county, nor with the provisions for feeding the prisoners at the county jail, provided, that as to feeding prisoners, the sheriff shall receive the amounts now provided by law, and cover same into the county treasury of Montgomery county, and the board of revenue of Montgomery county shall pay out of the county treasury of Montgomery county the expenses incurred by the sheriff in feeding such prisoners. The board of revenue of Montgomery county shall provide said officers with the necessary conveniences. The Legislature of Alabama may hereafter from time to time, by local or general laws, fix, regulate and alter the amount of the above named allowances and salaries including

the method and basis of their compensation." Following the proposed amendment on the ballot shall be printed the word "Yes," and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by the cross mark by him opposite the word expressing his desire.

Sec. 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated, and the returns thereof made to the secretary of State, and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

No. 56.)

(H. 492—Welch.

AN ACT

To amend sections 407, 408, 409, 410 and 411 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That section 407 of the Code be amended so as to read as follows: Section 407. The inspectors shall select one of their number, on opening the polls, to act as a challenger, and the challenger shall ascertain if each person presenting himself to vote has registered and paid all poll taxes due, such finding to be from an examination of the official list of the voters furnished by the judge of probate. If the name of the person does not appear on such list, the challenger shall challenge said voter.

Sec. 2. That section 408 of the Code be amended so as to read as follows: Section 408. When any person offering to vote is challenged by an inspector or by any qualified elector, before such person shall be allowed to vote, he shall take and subscribe an oath which one of the inspectors shall tender, read and administer to him, and which shall be in the following form: "State of Alabama, County of.....
I do solemnly swear (or affirm) that I am a duly qualified

elector under the Constitution and laws of the State of Alabama; 2. That I have resided in the State of Alabama two years next preceding this day; 3. That I have resided twelve months in this county next preceding this day: 4. That I have actually resided three months in this precinct or voting district next preceding this day, or within three months next preceding this day have removed from this precinct or voting district to another precinct or voting district in this county, incorporated town or city, and would have been entitled to vote but for such removal; 5. That I am twenty-one years of age or upwards; 6. That I have not been convicted of any crime which disfranchises me; 7. That I have been duly registered and have paid all poll taxes due by me at the time prescribed by law, or am exempt by law from the payment of poll taxes; 8. I know of no reason why I am not entitled to vote; 9. I am generally known by the name under which I now desire to vote, which is.....; 10. I have not voted and will not vote in any other precinct, (or if the precinct has been divided into districts, in any other voting district) in this election; 11. My occupation is, the name of my employer is; 12. My residence is..... (If in a city or town, give street number); 13. During the last twelve months I have resided at; 14. During the last three months I have resided at; 15. That and have personal knowledge of my residence in the State of Alabama for two years, in this county for twelve months, and in this precinct for three months next preceding this day; 16. This affidavit has been read to me. So help me God. Signature. "Subscribed and sworn to before me this.....day of.....191....."

Sec. 3. That section 409 of the Code be amended so as to read as follows: Section 409. In addition to the oath provided for in the preceding section, the person so challenged shall be required by the inspectors before he shall be allowed to vote, to prove his identity, residence in this State, county and precinct in which he offers to vote, by the oath of some elector personally known to some one of the inspectors to be a qualified elector and a free holder and house holder, which oath shall be administered by one of the inspectors, and be in the following form: "State of Alabama, County of..... I,, do solemnly swear (or affirm) that I have known (Here insert the

name of the person offering to vote) for the last two years next preceding this election, and that he has been a resident of this State for said time, twelve months in this county, and he actually resided in this precinct or district for the last three months preceding this election (or in case of change of residence provided for by section 178 of the Constitution, he has resided in this State for two years next preceding this election, twelve months in this county, and within three months next preceding the date of the election he removed from this precinct or district to another precinct or district in this county, incorporated town or city, and would have been entitled to vote but for such removal), all immediately preceding this election; I do solemnly swear (or affirm) that I am a qualified elector of this precinct; that I have been a free holder and house holder in this precinct for one year next preceding this election; that my occupation is; my residence is; my business address

..... Subscribed and sworn to before me this..... day of..... 191.....

and upon such oath being duly taken and subscribed, the ballot of the person offering to vote must be received and deposited as other ballots of qualified electors, and the inspectors shall require the persons making said affidavits to swear to and subscribe to an original and a carbon, the carbon to be treated as an original, one set of said affidavits, when so taken and subscribed when the election is closed, shall be sealed by the inspectors in a sealed package and forwarded to the solicitor of the county who shall lay them before the next grand jury sitting for the county. The other set of said affidavits shall be sealed and deposited in the ballot box.

Sec. 4. That section 410 of the Code be amended so as to read as follows: Section 410. If the person challenged refuses to take the oath, or if he fails to prove his identity and residence by the oath of the free holder and house holder, as above required, his vote shall be rejected and his ballot marked with his name shall be laid aside by the inspectors.

Sec. 5. That section 411 of the Code be amended so as to read as follows: Section 411. When any person offering to vote at any election in this State has been challenged, before administering the oath prescribed, one of the inspectors shall inform such person that if he takes the oath willfully and falsely, he is guilty of perjury, and on conviction, may be imprisoned in the penitentiary for not less than two years. One of the inspectors shall also inform any person making the affi-

davit of identity that if he makes such oath willfully and falsely, he is guilty of perjury, and on conviction, may be imprisoned in the penitentiary for not less than two years.

Sec. 6. This act shall take effect upon its approval.

Approved June 19, 1915.

No. 76.)

(S. 316—Lusk.

AN ACT

To further regulate the employment of a land agent, or clerk, in the office of the auditor; to prescribe his duties, fix his compensation, define his powers and duties, and repeal all laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

1. That the State auditor shall have charge of all lands which have been sold to the State for taxes unpaid; all "16th section" lands; all school indemnity lands; the salt springs lands reservation; and all swamp and overflowed lands, and of all papers, documents and records relating thereto, except those which are required by law to be kept in the office of the secretary of State.

2. That to enable the State auditor to discharge effectively and with benefit to the public his duties hereunder he shall appoint a land clerk, with the approval of the Governor, who has had experience in dealing with public lands and who understands the system of survey and platting of the public lands of the United States, and who shall be paid a salary of one hundred and fifty dollars a month, as other clerks in the executive department are paid. This section shall not be so construed as authority for the employment of an additional clerk in the auditor's office to those now employed therein.

3. That whenever in the judgment of the Governor, or auditor, it is proper that any land described in this act should be examined or evidence obtained for the protection of any of these lands, the land clerk may be sent to make such examination or to obtain such evidence, and his actual expenses shall be paid, upon his filing with the auditor a statement thereof by items, sworn to.

4. That sections 886, 892, 893, 894, 895, 896 and 897 of the Code be and the same are hereby severally repealed.

Approved June 19, 1915.

No. 78.)

(H. 494—Welch.

AN ACT

To regulate primary elections in the State of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That a primary election within the meaning of this act is an election held by qualified voters who are members of any political party for the purpose of nominating a candidate or candidates for public or party office.

Sec. 2. An assemblage or organization of electors which at the general election for State and county officers then next preceding the primary cast more than twenty-five per cent of the entire vote cast in any county is hereby declared to be a political party within the meaning of this act within such county; and an assemblage or organization of electors which at the general election for State officers then next preceding the primary cast more than twenty-five per cent of the entire vote cast in the State is hereby declared to be a political party within the meaning of this act for such State.

Sec. 3. In determining the total vote of a political party whenever required by this act, the test shall be the total vote cast by such political party for its candidate who received the greatest number of votes.

Sec. 4. All primary elections hereafter held by any political party in this State for the nomination of any State, district, county or municipal officers shall be held and conducted under the provisions of this act, and except as herein modified shall be held and conducted in the same manner and form and under the same requirements and subject to the same forfeitures and penalties and punishments as are or shall be provided by law for the holding of regular State elections, but nothing herein contained shall make it obligatory upon any political party or parties to hold a primary election.

Sec. 5. If any primary elections are held at the expense of the State or counties they shall be held on the second Tuesday in May of every presidential election year and on the second Tuesday in August of every other even numbered year for the nomination of candidates by all political parties. No primary shall be held by any political parties for the nomination of candidates except as herein provided. The same election officers shall hold such primary elections for all of the political parties desiring to participate therein.

Sec. 6. Primary elections herein provided for shall be held at the regular polling places established for the purposes of holding general elections.

Sec. 7. That there may be provided a committee of each party for the State and each political subdivision of the State, said committees to be selected in such manner as may be provided for by the governing authority of each party, provided if there shall not be elected or chosen any committee for any political subdivision, then all the powers which could be exercised by any such committee shall be vested in the State executive committee, under such rules and regulations as the governing authority of the party may designate, such State executive committee may provide for the selection of any such committees, and provided that in political subdivisions of the State less than the whole State and greater than any one county, there shall be not less than one member of each such executive committee from each county in such political subdivision to be chosen in such manner as the party authority in such county may direct; that within ten days after any such member is selected or appointed, as the case may be, the fact of his selection or appointment as such committeeman of such executive committee shall be certified by the chairman of the county or general committee to the State executive committee, and, in the event that from any county, or any political subdivision greater than one county, such member of one executive committee is not named or certified, the State executive committee may either itself fill such vacancy, or may direct the method by which the same shall be filled.

Sec. 8. The expense of such primary election shall be paid in the same manner and to the same extent as is or may be provided by law for the payment of the expenses of a general election held under the laws of Alabama.

Sec. 9. The chairman of the State executive committee of the parties entering such primary shall at least twenty days prior to the holding of such primary election certify to the secretary of State of Alabama the names of all candidates running for office who are voted for by the voters of more than one county, and the chairman of each county executive committee of the parties entering such primary election shall at least fifteen days prior to the holding of such primary election certify to the probate judge of the county the names of all candidates for county officers, and the secretary of State shall within not less than twenty days from the time of holding such primary

election certify to the probate judge of any county where an election is to be held for any particular office the names of the candidate or candidates for such office, and the probate judge of each county in Alabama shall in the manner and form hereinafter set forth prepare all ballots voted for in such election.

Sec. 10. When it shall be desired by the State executive committee or governing authority of any political party to enter the primary election herein ordered to be held under the provisions of this act, said committee or governing authority for the State or political subdivision of the State where any such officers are to be voted upon shall give public notice thereof by posting notices of such election at the courthouse door and by advertising in some newspaper published in such subdivision, if there be such a newspaper, at least once a week for three consecutive weeks prior to such primary election.

Sec. 11. All persons who are qualified electors under the general election laws of the State shall have the right to participate in such primary elections, subject to such political or other qualifications as may be prescribed by the State executive committee or governing body of such political party. The State executive committee may delegate to the several county executive committees the power to prescribe the qualifications of voters in any primary election for the nomination of county officers.

Sec. 12. Officers for each election district or precinct in all primary elections held under the provisions of this act shall be of the same number as required and designated by law to hold regular State elections, and their duties and responsibilities shall be the same as those of legally appointed and regularly qualified like officers of regular State elections, and said officers shall be appointed by the same appointing board as officers to hold regular State elections are appointed. If more than one political party enters such primary, the appointing board shall see that each political party has representation among the officers named, and may, if necessary in order to secure such fair representation, increase the number of inspectors and clerks to such number as in the judgment of the appointing board is necessary to properly handle such primary election and fairly represent all political parties participating therein. The various candidates entering said primary at least ten days before such primary election may file with the appointing board lists of names suggested for officers for said primary election, and in appointing such officers, the appointing board shall select the same as far as practicable from such lists. Such officers shall

be paid in the same manner and for the same amount as are like officers for holding a general regular election under the laws of Alabama, to be paid out of the county treasury in the same manner. In the event the persons selected as officers fail to appear at the polling place by eight o'clock A. M. on the day of the primary election, then their places may be filled by such of those who have been named by such appointing board as do appear. In the event none so named appear by eight A. M. on said day, then the voters present qualified to participate in such primary may from among themselves select officers to conduct such election in such district or precinct, and such substituted persons shall have the authority to conduct such election and to be paid for their services in the same manner as if they had been originally appointed. All officers serving in such primary election shall take the same oath required to be taken by officers of regular State elections. Any election officer failing to serve except because of illness shall be guilty of a misdemeanor.

Sec. 13. The officers of all primary elections held under the provisions of this act shall have the same power and privileges as officers of regular State elections, and shall be subject to the same restrictions, limitations, penalties and conditions.

Sec. 14. Separate official ballots and other election stationery supplies for each political party shall be printed and furnished for use at each election district or precinct, and shall be of a different color for each of the political parties participating in such primary election. All ballots for the same political party shall be alike, printed in plain type, and upon paper so thick that the printing cannot be distinguished from the back. Across the top of the ballot shall be printed the words, "Official Primary Election Ballot." Beneath this heading shall be printed the year in which said election is held and the words "Democratic Party" or "Republican Party" or other proper party designation. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and in the proper place the words "Vote for one" or "Vote for two" (or more, according to the number to be elected to such office at the ensuing election). And there shall also be printed the words "First Choice" at the head of appropriate rulings or lines at the left of the names of the candidates, and the words "Second Choice" at the right of the names of such candidates, wherever either a majority vote or a tie vote would not otherwise necessarily occur.

Sec. 15. Where more than one political party has entered such primary it shall be the duty of the sheriff to furnish to the

election officers of each voting place *separate* ballot boxes for each party participating in such primary. Said boxes shall be distinctly marked and the ballots of electors of each party shall be deposited in the box assigned to and designated for that party. The returns, certificates, official list of voters, ballots, tally sheets, affidavits as to challenged votes, after the canvass of the votes shall be deposited in the ballot box of the party to which they relate.

Sec. 16. The names of candidates for each office shall be printed in alphabetical order according to surnames, and, except as to the order in which the several offices to be filled are stated, official ballots for primary elections shall be printed in substantially the following form:

OFFICIAL PRIMARY ELECTION BALLOT
1916

DEMOCRATIC PARTY

District Number 1 of Precinct Number 1.....County.

Instructions: To vote for any candidate, make a cross (X) in the square in the appropriate column, according to your choice. Vote your first choice in the column to the left of the names of candidates; vote your second choice in the column to the right of the names of candidates. If there is no column at the right of a name, vote your first choice only. Do not vote more than one choice for the same candidate.

First Choice	FOR GOVERNOR. Vote for One.	Second Choice
	William Jones	
	Charles Smith	
	John Williams	

First Choice	FOR RAILROAD COMMISSIONER. Vote for Two.	Second Choice
	James Davis	
	Robert Johnson	
	Thomas Mitchell	
	Richard White	

First Choice	FOR UNITED STATES SENATOR. Vote for One.	Second Choice
	Frank Anderson	
	Joseph Brown	
First Choice	FOR SHERIFF. Vote for One.	Second Choice
	Benjamin Thompson	
	David Walker	
	Samuel Young	

Sec. 17. Any qualified elector who is also a member of a political party, as herein defined, participating in a primary election, shall be entitled to vote at such primary election and shall receive the official primary election ballot of the political party, and no other.

Sec. 18. The judge of probate of each county is hereby required to furnish to the officers of said primary election a copy of the official list of voters of each district or precinct, in his county, of the same kind and in the same manner as he is by law required to furnish such lists to the officers at any general State election, and he shall furnish as many of said lists as there are parties participating in said primary. The probate judge shall also furnish all necessary election supplies including stamped addressed envelopes in which to mail certificates of results and other papers herein required to be forwarded. The probate judge shall deliver such election supplies and lists to the sheriff of the county not less than three days before the day of the election. It shall be the duty of the sheriff to deliver the same together with ballot boxes, and voting boothtes to the officer of said election at the place provided by him for holding said election and not later than seven-thirty o'clock on said election day.

Sec. 19. If the name of a person desiring to vote does not appear on the official list of voters for said district or precinct as furnished by the judge of probate, it shall be the duty of said inspectors to challenge such vote in the same manner as they are required to challenge voters in general elections whose names do not appear on the official list of voters, and when challenged, such voter, before his ballot shall be received, shall

be required to swear and subscribe to the same affidavit which is required of voters so challenged in general elections, and shall also be required to produce the same kind of identification as is required of challenged voters in general elections, and the identifying affidavit must be subscribed and sworn to in like manner as required in general elections.

Sec. 20. The ballot of every voter shall be kept secret and inviolate. As the inspectors deposit the ballot, the name of the voter shall be checked off of the official voting lists, but no numbers or other identification of any kind shall be placed upon the ballot of the voter except one of the inspectors as he hands out the ballot to the voter shall initial the same on the back thereof, and before depositing it in the ballot box shall examine said ballot to see that it contains the initials.

Sec. 21. All challenged votes shall be marked "Challenged" on the back thereof by one of the inspectors and with a number corresponding to the number opposite the name of the challenged voter as it appears on the official voting lists. If the name of such challenged voter does not appear on the official voting list, one of the inspectors shall add such name to the official voting list and give it its proper consecutive number.

Sec. 22. All affidavits of challenged voters shall be taken in duplicate in the same manner as the same affidavits are taken of challenged voters in general elections. One copy of such affidavits in reference to such challenged voters shall be returned with the votes in the ballot box of the party to which they pertain. The other copy shall be mailed to the solicitor for the county to be presented by him to the next grand jury meeting in said county.

Sec. 23. If any qualified voter who cannot read or write or who is physically disabled asks for assistance in marking his ballot, two of the inspectors, and if more than one party is participating in said primary the two shall be of different parties, shall go into the booth with such voter and mark his ballot as he directs, and any inspector who shall attempt to electioneer with such voter or try to influence his vote by suggestion or otherwise, or shall mark the same contrary to the directions of such voter, or shall afterwards divulge for whom such voter voted, shall be guilty of a misdemeanor.

Sec. 24. It shall be the duty of the sheriff at the expense of the county to furnish and have in place at each voting place election booths as provided by law for general elections. Each elector in preparing his ballot shall prepare the same in a booth and nowhere else. Each elector who has not under section 23

above requested assistance in preparing his ballot shall prepare said ballot without the assistance of any one nor shall any one be allowed to be present in the booth while he is preparing such ballot. If any elector receives assistance other than that provided by section 23 above or if he prepares his ballot in the presence of any one else or if he divulges to any one else how he voted, he shall be guilty of a misdemeanor.

Sec. 25. At the close of the primary election at each polling place, and nowhere else, the inspectors and clerks shall proceed forthwith without adjournment in the manner provided by law in the case of general elections to count the vote, and in addition thereto, it shall be the duty of the inspectors and clerks of election in each election district carefully to enter the number of first and second choice votes for each candidate and make return thereof as provided by law in the case of returns in general elections. First and second choice votes shall not be cast by a voter for the same candidate, and in the event that shall be done, only the first choice vote shall be counted.

Sec. 26. A ballot commonly known as a single shot shall not be counted. Where two candidates or more are to be nominated for the same offices, the voter must express his choice for as many candidates as there are offices to be filled.

Sec. 27. The following are declared to be samples of the tally sheets and instructions for using same in such primary elections:

Samples of Tally Sheets and Instructions for Using Same.

Where there is one candidate to be nominated and only two running, there will be no second choice votes and tally sheets will be of the following form, which for convenience will be designated as form No. 1.

FORM No. 1.

DEMOCRATIC PRIMARY.

Names of Candidates.
For Governor.

Votes Received.

A.	
B.	

The candidate receiving the highest number of votes will be declared nominated and record made as now made in general elections where there are two candidates. Where there is one or more candidates to be nominated and three or more running the following form, called Form No. 2 will be used. In this form the votes have been tallied out just as they would be tallied in actual use, and following the form will be found instructions for counting the vote and for recording the same.

Form No. 2.

DEMOCRATIC PRIMARY.

First Choice	Names of Candidates.	Second Choice.
 50	For Governor. A.	 25
 45	B.	 30
 40	C.	 20

It is required to so tally the vote as to show the number both of first choice and of second choice votes received by each candidate. The names of the candidates are perpendicularly arranged. It will be noticed that the names of the candidates are in alphabetical order according to surnames. They will appear in this order on the ballot and the tally sheet is intended to correspond with the ballot in this respect. Tally the first choice vote of any candidate in the appropriate space on the left of the perpendicular column in which the names of the candidates appear and the second choice votes in the appropriate space on the right.

Sec. 28. The counting of the ballots completed, the results shall be publicly proclaimed. Separate certificates for each of the political parties entering said primary and the results of said election shall be drawn up by said inspectors and clerks at each and every election district or precinct, which shall contain all matters and things provided for in the law regulating gen-

eral elections, and, in addition thereto, in all cases where first and second choice ballots are voted, the number of first choice votes received by each candidate and the number of second choice votes received by each candidate. Said certificates in this respect shall be substantially in the following form. We hereby certify that

A.....Candidate for Governor received.....first choice votes and
.....second choice votes.

B.....Candidate for Governor received.....first choice votes and
.....second choice votes.

C.....Candidate for Governor received.....first choice votes and
.....second choice votes.

.....
.....
.....

Inspectors.

Said certificates shall be signed by each of the inspectors; one copy of the same shall be forthwith posted in a conspicuous place at such polling place. Copy shall be deposited with the proper committee or governing authority of each of the political parties participating in the primary at such place as the committee or governing authority shall designate at which to receive such returns. Another copy shall be mailed to the chairman of the State executive committees of the political parties participating in said primary.

Sec. 29. The sheriff of each county on the day of such primary election shall be present in person or by deputy at each election precinct or voting districts where such elections are held and shall preserve good order. All duties imposed and powers conferred upon the sheriff in said county and district elections by this section are hereby imposed and conferred on the marshal or chief of police in all municipal primary elections. Not more than one officer shall be allowed however to enter into the polling place. The sheriff shall also perform the duty of returning officer as in general election. It shall be his duty to return to the chairman of the county executive committee or governing authority at the office of judge of probate at the county seat of each of the political parties participating in the election the ballot boxes and returns which have been delivered to him by the officers of said election. Such ballot boxes and returns shall not be allowed to leave his possession and must be returned by him not later than Thursday noon following the election. It shall be the duty of the county executive committee or other governing authority of each of the political parties

participating in the said primary to be present at said time and place for the purpose of receiving said ballot boxes and returns and canvassing and declaring the results. Each and all of the persons failing to perform any of the duties herein required shall be guilty of a misdemeanor.

Sec. 30. The county executive committee or governing authority of the parties participating in said primary shall at the time above named receive the returns, canvass the same and declare the results. First—In all cases where second choice voting is not provided for by this act, the candidate for office receiving a majority of the votes cast shall be declared nominated for said office. Second—In cases where there is to be nominated only one candidate for a particular office if such candidate shall receive a majority of first choice votes he shall be declared nominated for such office. If no candidate shall receive such a majority of first choice votes, then the nomination of such office shall be between the two candidates receiving the highest number of first choice votes and shall be determined by adding to the first choice votes of said candidates the second choice votes which they respectively receive, the candidate thus receiving the greater number of first and second choice votes shall be declared nominated. Third—In cases where more than one nomination is to be made for any particular office the candidate or candidates receiving the highest number of first choice votes cast for said office shall be declared nominated therefor provided the first choice votes received by said candidate or candidates shall be a majority of all the first choice votes cast for such office. In determining the number of votes cast for such office the total first choice votes received by all the candidates therefor divided by the number of candidates to be nominated for such office shall be taken as the total vote cast for such office. If no candidate or if any place or places be not filled in accordance with the above, the nomination shall be decided as follows: Twice as many candidates shall be considered as there are places to be filled if there be so many candidates and only those candidates receiving the highest number of first choice votes shall be considered and to the first choice votes of each of said candidates there shall be added the number of second choice votes as each of said candidates respectively received, the number of said candidates necessary to fill said offices who receive the highest number of aggregate of first and second choice votes shall be declared the nominee for said offices.

Sec. 31. In the event that in any primary election held under the provisions of this act there shall be a tie vote cast, then

in such event such tie shall be decided by the chairman of the State committee or the chairman of the committee or other governing authority of the committee of the party of which said candidates were candidates and of the political subdivision in which such candidates were voted for.

Sec. 32. No person entitled to vote under the rules of the political party holding such primary election, shall be arrested on the day of such election, unless it be for a felony, or a breach of the peace attempted or committed on that day; for such breach of the peace or attempted breach of the peace the sheriff, or his deputy, or in case of municipal primary the marshal or chief of police, may arrest, without process and commit to jail until the offender shall give bond with good and sufficient surety to be approved by the sheriff or marshal or chief of police as the case may be, for his appearance at the next term of the circuit, city or county court, or municipal court, in case of municipal primary, to answer any charge that may be brought against him.

Sec. 33. No ballots shall be counted until the polls are closed. Before counting any ballots or examining the same one of the official list of voters for each party participating in the primary shall be securely sealed in separate envelopes, and each of the inspectors shall write his name across every fold at which the envelope, if unfastened could be opened. After the count of the votes is finished and certificates of the result have been prepared, the inspectors shall seal up in a separate envelope all the ballots cast at such election, and shall place such ballots so sealed up in the proper party ballot box, together with one official list of voters as hereinabove provided, and shall also place in such box one tally sheet and one certificate of the result, and such box shall then be securely locked and sealed. The inspectors shall then in an envelope addressed to the chairman of the county committee or other governing authority of each political party participating seal one certificate of the result, one official list of voters and one tally sheet, and such envelope together with the property party ballot box shall thereupon be immediately delivered to the returning officer, who shall keep the same securely in his possession and by noon of Thursday following the election carry and deliver the same to the chairmen of the county executive committee or other governing body of the parties participating in such primary election at the office of the probate judge of the county. After the result has been canvassed and declared the chairman of the executive committee or other governing body shall keep the ballot box securely, until it

is known that there will be no contest in any event not less than thirty days, and shall then destroy the contents of such box without examining the same, and such ballot box shall not be opened except in the event of a contest, and its opening be authorized under authority of the chairman of the executive committee or other body, trying such contest.

Sec. 34. The State executive committee or other governing authority of any party may for the purpose of filling vacancies which may occur in any nomination by death, resignation or otherwise or in case of special election provide for the holding of special primaries at such times as they may designate provided that neither the State nor the counties shall be called upon to defray the expenses of the primary. If any such primaries are called or held they shall be held in the same manner subject to the same rules, instructions and penalties as are set forth herein for the holding of the general primaries herein provided for. The State executive committee or other governing body of said party calling said special primaries may fix the time and provide for the giving of such notices as they deem best of the time for holding such special primary.

Sec. 35. The State executive committee or other governing body of any political party may provide for State conventions or conventions of other subdivisions and may provide for the election of delegates to such conventions or other party officers at the general primary herein provided for.

Sec. 36. Within not less than twenty nor more than sixty days after the announcement of such result for any office, the chairman of the State committee shall certify to the secretary of State of Alabama the name or names of each of such nominees of such party as the candidate of such party in the general election for the office to which he is nominated. The chairman of each congressional executive committee, each judicial circuit, each chancery division, and each senatorial district or other political subdivision which embraces a district greater than one county, shall within not less than ten nor more than thirty days after the ascertainment of the result of his district, certify to the chairman of the State committee the nominees of the party for the several offices in his district as declared by the committee of which he is chairman, and the said chairman of the State committee, within ten days thereafter, and at the same time he certifies the nominees of the party for the several State officers, shall certify to the secretary of State all nominees as shown by the certificates filed with him by the several chairmen of the political sub-divisions of the State greater than one county,

provided, that where any contest of a nomination is instituted as herein provided for, the declared nominee for such office shall not be certified to until after the final settlement of such contest.

Sec. 37. The secretary of State, not less than thirty days nor more than sixty days prior to each general election, shall certify to the probate judge of each county in the State a separate lists of all the general nominees of each party to be voted for by the voters of such county.

Sec. 38. All nominations held under this act may be contested within five days after the result has been declared in all county elections, and ten days in all other except State elections, and in fifteen days in a State election, under the same conditions and on the same grounds as provided in the general election laws; said contest to be heard and tried by the county executive committee or other governing body in elections for county offices, and by the State committee in case of State officers, and district committee in the case of district officers and where there is no proper district committee then by the State executive committee.

Sec. 39. The contest of any candidate for an office whose functions embrace the whole State or a political subdivision greater than one county, may be instituted by any qualified elector of said State or political subdivision legally participating in such primary election upon the following grounds: malconduct, fraud, or corruption on the part of any inspector, clerk, marker, returning officer, board of supervisors, or other person. (2) When the person whose nomination to office is contest was not eligible thereto at the time of such nomination. (3) On account of illegal votes. (4) On account of the rejection of legal votes. (5) Offers to bribe, bribery, intimidation, or other malconduct calculated to prevent a fair, free and full exercise of the elective franchise.

Sec. 40. No malconduct, fraud, or corruption, on the part of any inspector, clerk, marker, returning officer, board of supervisors, or other person, nor any offers to bribe, bribery, intimidation, or other malconduct which prevent a fair, free and full exercise of the elective franchise can annul or set aside any nomination unless thereby the person declared nominated, and whose nomination is contested, be shown not to have received the highest number of legal votes, nor must any nomination contested under the provision of this act be annulled or set aside because of illegal votes given to the person whose election is contested, unless it appears that the number

of illegal votes given to such person, if taken from him would reduce the number of votes given to him below the number of legal votes given to some other person for the same office. Nor must any nomination be annulled or set aside because of the rejection of legal votes, unless it appears that such legal votes, if given to the person intended, would increase the number of legal votes to or above the number of legal votes received by any other person for the same office.

Sec. 41. Any person examined as a witness may be required to answer if he voted at the primary election contested, and to answer his qualifications; and if he was not at such election a qualified voter, he may be required to answer for whom he voted. If he make full, true answers which may tend to criminate him he shall not be prosecuted for voting at such election.

Sec. 42. It shall be the duty of the judge of probate of any county upon the application of either party to any contest or his agent or attorney, to deliver to the party, his agent or attorney, a certified copy of the registration lists and list of poll taxes (one or both) of his county, or any election precinct therein, upon the payment of his fees for certifying and copying same, at the rate fifteen cents a hundred words written by him in making such copy; and such copies, duly certified, shall be received as presumptive evidence of the facts therein stated, the registration lists that the persons therein named were duly registered and the poll tax lists that the persons therein named had paid poll taxes as therein stated, and any chairman of any committee or other authority in whose possession or control there is any poll lists of any such primary election shall furnish a copy of such poll lists for any precincts as may be required in writing by either party to a pending contest upon the applicant paying in advance the cost of preparing such copy or copies.

Sec. 43. Any elector desiring to contest the nomination of any candidate declared the nominee to any office shall make a statement in writing, setting forth specifically: (1) The name of the party contesting and that he was a qualified voter when the primary election was held and participated in same. (2) The office which said election was held to fill, and the time of holding the same and the name of the person declared nominated. (3) The particular grounds of said contest. This statement must be certified by the affidavit of such contesting party to the effect that the same is believed to be true. If the reception of illegal votes is alleged as a cause of contest, it is a sufficient statement of said cause to allege that illegal votes were

given to the person whose nomination is contested, which, if taken from him, will reduce the number of legal votes given to him to or below the number of legal votes given to some other person for the same office.

Sec. 44. No testimony must be received of any illegal votes, or of the rejection of any legal votes in any contest commenced under the provisions of this act unless the party complaining thereof has given to the adverse party notice in writing of the number of illegal votes and by whom given, and for whom given, and at what precinct or voting place cast, or the number of legal votes rejected, and by whom offered, and at what precinct or voting place they were not allowed to be cast, which he expects to prove on the trial. Such notice must be served personally or left at the residence or usual place of business of the adverse party, at least five days before the taking of the testimony in reference to such votes.

Sec. 45. Any contest of a nomination to any office voted for by the voters of one county must be commenced within five days after the result has been canvassed and declared by the county executive committee of the party holding such primary election, by filing a statement of contest with the chairman of such county committee and at the time of filing such contest, he must deposit with such chairman the sum of one hundred dollars in cash to be used by said county committee in paying the expenses of such contest as such expenses may be directed or authorized by said county executive committee. The person whose nomination is contested shall have five days after the filing of such contest within which to file with the chairman, his objections or answer to such contest.

Sec. 46. The chairman of the county committee upon the filing with him of any contest as herein provided, shall within five days call said committee together at the county seat at a time not less than ten days nor more than twenty days after the filing of such contest, to hear and determine the same.

Sec. 47. Either party to said contest shall have the right of an appeal to the State executive committee from the final decision of the county committee upon the same. Notice of such appeal must be filed with the chairman of the county committee and also with the chairman of the State committee within ten days after determination of such contest by the county committee, and at the time of filing with the chairman of the State committee his notice of appeal, such appellant shall deposit with the chairman of the State committee the sum of one hundred dollars to cover such costs and expenses as may be

incurred by the State committee to hear and determine said appeal and upon the filing of any such appeal the chairman of the county committee from whose decision the appeal is taken, shall certify to the chairman of the State committee immediately upon receiving notice of such appeal, a transcript showing a complete record of the proceedings before the county committee in such contests and also a statement of the substance of the testimony of each witness taken in the trial of the contest before the county committee, and such statement may be offered in evidence upon the hearing of the appeal by either party to the contest. But additional evidence may also be offered by either party to the appeal.

Sec. 48. The chairman of the State executive committee shall call said committee to meet at a time not less than ten days nor more than forty days from the time of the filing of any such appeal, for the purpose of hearing and determining the same, and upon a final determination of said appeal the chairman of such State executive committee shall issue to the county executive committee from which the appeal was taken the order or judgment of such State committee upon the appeal, and said county executive committee shall immediately act thereon in accordance with the terms of such order, decree or judgment. And upon the failure or refusal of such county committee to comply with the terms of such order or judgment within the time named in such order or judgment then such State executive committee if it be then in session, otherwise the chairman of such State executive committee is hereby vested with full and complete authority to take such measures or adopt such steps as it may desire to carry out such order or decree and invested with all the powers of such county committee or its chairman in so far as such powers may be necessary or convenient in carrying out such order or judgment.

Sec. 49. Any qualified elector participating in any primary election held under the provisions of this act, may contest the nomination to any State office or to any office whose functions embrace a political subdivision by filing with the State executive committee or the executive committee of any political subdivision as the case may be, his statement of contest on any of the grounds set out in section 43 for the contest of county nominations, and the statement of the grounds of contest shall also include a statement setting forth specifically the following: (1) The name of the person contesting the nomination and that he was a qualified voter at the time of and participated in the primary election wherein such nomination was made. (2)

The office which said primary election was held to fill and the time of holding the same and the name of the party nominated. (3) The particular grounds of said contest. This statement must be verified by the affidavit of such contestant to the effect that the same is believed to be true. If the reception of illegal votes is alleged as a cause of contest it is a sufficient statement of said cause to allege that illegal votes were given to the person whose nomination is contested, which, if taken from him, will reduce the number of legal votes given to him to or below the number of legal votes given to some other person for the same office.

Sec. 50. That if such contest be of any State senatorial nomination where the district is greater than one county, the contestant at the time of filing his statement of contest shall deposit with the chairman of his senatorial district, if there be one, if not, with the chairman of the State executive committee, the sum of twenty-five dollars for expenses of such contest to be used as such committee may direct. If the contest be of the nomination for chancellor or judge of any court of record, whose district or circuit is greater than one county, the contestant shall at the time of filing such statement of contest deposit the sum of sixty-two and 50/100 dollars with the chairman of the committee trying the contest. If it be of a nomination to congress the contestant shall file with the chairman of the congressional committee, if there be one, if not, with the chairman of the State committee, at the time of filing his contest, the sum of one hundred and twenty-five dollars for the purpose of paying such expense of the contest as such committee may direct, and if it be the contest of any State office then the contestant shall deposit with the chairman of the State committee at the time of filing his contest the sum of two hundred and fifty dollars for the expense of such contest as may be authorized by the committee, and in addition to the above amounts herein required to be deposited at the time of filing contest, the State committee or governing body of any political subdivision may from time to time require the deposit of additional amounts for the purpose of paying the expenses incident to such contest, but in no case shall the amount required by said committee or governing body be more than four times the respective amounts above required. Provided, however that the contestant for the nomination of any county office shall not be required to deposit any amount in excess of seventy-five dollars. The person whose nomination is contested shall at once be notified by such chairman in writing of such fact and such contestee shall have ten days after the receipt of such notice of such contest within which

to file with the chairman of said State committee or other committee or governing body of the party of his objections and answers to the statement of contest. Either party to any contest not first heard by the State executive committee shall have the right of appeal to the State executive committee from any final judgment of any other committee but at the time of filing such appeal shall deposit with the chairman of the State committee the same amounts as herein required for the institution of contest.

Sec. 51. State executive committee or governing body of any political subdivision of the State greater than one county shall, upon the filing of a contest with the chairman, be called by such chairman to meet at a time not less than ten days nor more than forty days from the time of filing such contest for the purpose of hearing and determining the same.

Sec. 52. Upon the final hearing of any such contest, if the committee determines who is the legal nominee for any office it shall make a declaration of its judgment upon the question, and the chairman of the State committee within ten days thereafter shall certify to the secretary of State the name of the party declared to be the nominee to such office.

Sec. 53. If upon the hearing of any contest for any office, as provided for in this act, the committee, after an investigation and hearing of the contest, shall determine that it is impossible from the evidence before it to decide who is the legally nominated candidate for the office contested, it shall have the right and authority to direct a new primary election for the nomination to any such office, but where any action is taken by any county committee or by the committee of any political subdivision less than the whole State, either person to the contest in the same manner as is herein provided for in the case of appeals from the action of any county committee, may take an appeal to the State executive committee, which shall be the court of final appeal in all party contests of nominations; provided, that upon the hearing of any contest or appeal, as provided for in this act, one-third of the members of any such State executive committee shall constitute a quorum for the hearing of such contest or appeal, provided further, that the entire committee be notified of the meeting in the usual way.

Sec. 54. The State executive committee in cases of State offices and the executive committee of any political subdivision of the State or other governing body as the case may be, but subject to the approval of and in accordance with the method prescribed by the State executive committee, where vacancy

may occur, in any nomination, either by death, resignation, revocation or otherwise, or in case of any special elections, shall have authority to fill such vacancy either by action of the committee itself, or by such other method as such committee or governing body may see fit to, provided.

Sec. 55. The State executive committee shall prescribe such other additional rules governing contests and other matters of party procedure, as it may deem necessary not in conflict with the provisions of this act.

Sec. 56. The chairman of any such committee before which may be pending any contest as herein provided shall have authority to administer oaths to witnesses in such contests and to summon persons and officers to be and appear before him; provided, that the person who desires the summoning of any witnesses at the time he makes request of the chairman of such committee to summon any witness shall deposit with the chairman of such committee, in cash, sufficient money to pay the cost of summoning any such witness. And also to pay such witness the sum of one dollar per day while attending upon such committee and the sum of three cents per mile each way in coming and returning from attendance upon such committee; and all witnesses summoned to testify in any contest pending before any committee shall be paid at the rate of one dollar per day and three cents per mile as herein provided for; provided, that any party to the contest may file with the chairman an instrument in writing signed by any such desired witness waiving his right to claim such per diem and mileage, in which event the chairman shall not require a deposit for the payment of such witness fees but only for the expense of summoning him.

Sec. 57. Upon the filing of any contest as herein provided the executive committee before whom any such contest is pending, if in session, or the chairman of such committee, if it is not in session, may appoint a commissioner upon the request of either party for the purpose of taking testimony in such contest, and such commissioner shall take such testimony as he may be directed to take by the chairman of such committee, and five days notice of the time and place when such commissioner expects to take such testimony and the name of the witnesses to be examined shall be served upon the opposite party to the contest; each party to the contest may be represented before such commissioner, but before any such commissioner is appointed the party desiring the appointment made shall deposit with the chairman of such committee sufficient funds to pay the expenses and fees of such commissioner, and the fees and mile-

age of any witnesses which may be summoned before such commissioner. And such commissioner when appointed shall for the purpose of the contest in which he is to take testimony have authority to summon witnesses to appear before him in such contest and to administer oaths to such witnesses, and shall have all the authority vested in a justice of the peace to punish for contempt. But such commissioner shall not be of kin to either party to the contest.

Sec. 58. That nothing herein shall be construed to prohibit any executive committee of a party from fixing assessments or other qualifications as it may deem necessary for any person desiring to become a candidate for any office in any such primary election. Provided that such assessment shall never be in excess of four per centum of the first year's salary in the case of all salaried officers, and not greater than thirty-five dollars for all county officers not otherwise specified in all regular elections, and regular primaries.

Sec. 59. In the hearing of any contest before any committee under the provisions of this act, such committee, through its chairman, or through such other authority as may be designated, shall have authority to summon witnesses to appear before it or before any sub-committee appointed by it, in the hearing of any contest pending before such committee, and can require any witnesses by a subpoena duces tecum to produce any books, papers, poll lists, tally sheets, ballots, certificates or other documents which it may consider necessary to a rightful determination of the case. Any such witness who lives more than forty miles from the place where such contest is to be heard or tried at the time he is summoned, shall be furnished the amount of his railroad fare going and coming to attend upon such committee.

Sec. 60. Any person who violates any of the provisions of this act for which a penalty is not herein otherwise provided, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty (\$50.00) dollars and not more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months at the discretion of the court.

Sec. 61. That all laws, general, local, or special, in conflict with this act, be and the same are hereby repealed.

Sec. 62. Every section of this act and every part of each section are hereby declared to be independent sections and parts of any section, and the holding of any section or part

thereof, to be void, ineffective or unconstitutional for any cause shall not affect the other sections or parts thereof.

Sec. 63. This act shall take effect upon its approval.
(Unsigned by the Governor.)

No. 95.)

(S. 38—Lusk.

AN ACT

To fix and prescribe the salary of the Governor of Alabama and the manner of paying the same.

Section 1. *Be it enacted by the Legislature of Alabama,* That from and after the term for which the present Governor was elected the salary of the Governor of Alabama shall be five thousand dollars per annum payable monthly by warrant of the State auditor.

Sec. 2. That all laws and parts of laws in conflict with this act be and they are hereby repealed.

(Unsigned by the Governor.)

No. 116.)

(H. 491—Welch.

AN ACT

To provide for the registration of electors.

Be it enacted by the Legislature of Alabama:

Section 1. Registrars, Appointment of.—Registration shall be conducted in each county by a reputable and suitable person, to be appointed by the Governor, State auditor and commissioner of agriculture and industries, or by a majority of them acting as a board of appointment, and who must be also qualified electors and residents of the county, and who shall not hold an elective office during their terms.

Sec. 2. Terms of Office.—The registrars so appointed shall hold office for four years and until their successors are appointed.

Sec. 3. Vacancies of Registrars; How Filled.—If one or more of the persons appointed on such board of registration shall refuse, neglect, or be unable to qualify or serve, or if a vacancy or vacancies occur in the membership of the registrar from any cause, the Governor, State auditor and commissioner of agriculture and industries, or a majority of them acting as a

board of appointment, shall make other appointments to fill such board.

Sec. 4. Fees, Compensation of Registrars.—Each registrar shall receive three dollars per day, to be paid by the State, and disbursed by the several judges of probate, for each day's attendance upon the sessions of the board.

Section 5. Oath of Registrars.—Before entering upon the performance of the duties of his office, each registrar shall take the same oath as required of the judicial officers of the State, which oath may be administered by any person authorized to administer oaths. The oath shall be in writing and subscribed by the registrar, and filed in the office of the judge of probate of the county. Said registrars are judicial officers and shall act judicially in all matters pertaining to the registration of applicants.

Sec. 6. The registrar shall meet in a county seat of each county on the second Monday in August, 1915, and in every year thereafter shall meet at said county seat on the first Monday of February for purging the registration list of the names of those who have died, become non-residents of the State or county, become insane and then so declared by inquisition of lunacy, or who have been convicted of any offense mentioned in section 182 of the Constitution, since being registered, or otherwise disqualified as electors under the provisions of the Constitution, and any names which may have been fraudulently entered on such lists shall be stricken from the registration list. At said meeting, the registrar shall also examine the registration lists which have been returned by them to the office of the judge of probate of the county in so far as the same relates to the registration of voters in precincts, the boundaries of which have been changed or which have been divided or subdivided into election districts since the return of said list to the office of the judge of probate, and shall determine from this examination and from other available information the residence of the persons named in said lists so that a new list may be made therefrom which will state the residence of the persons registered by election precincts and also by election districts.

Sec. 7. At such meeting above provided for there shall be allowed to be present one person to be selected by the chairman of the county executive or other principal county committee of any political party, and such persons shall have the right to present to the registrar any names which they claim should for any of the reasons set forth as causes for purging the lists in the section just preceding be stricken from the lists.

Sec. 8. At such meeting any legal voter in said county may present to such board an affidavit made before any person authorized by the laws of this State to administer oaths stating in substance that the person or persons in said affidavit named are for a cause therein stated not legal voters, and requesting that the names of said persons be stricken from the registration lists.

Sec. 9. It shall also be the duty of said registrar to make a list of the names appearing on said registration lists which in their opinion for legal causes should be stricken therefrom.

Sec. 10. When the name of any elector is proposed to be stricken from the registration lists either by the person representing a political party or by the affidavit of a legal voter, or by the registrar, a notice shall thereupon issue citing him to appear before the board on the fourth Monday of October, 1915, following, and thereafter in each year on the fourth Monday in February, and show cause why his name should not be stricken from the list. Said notice shall be served by the sheriff of the county at least five days before the said fourth Monday in October, 1915, and the said fourth Monday of February of each year thereafter. The sheriff of said county shall make return of said notice within ten days after the same has been placed in his hand for service. Said return shall state the time of service, if service was secured, and if not found, shall state "not found," and such reason as the officer attempting to serve such paper has for such return. It shall then be the duty of said registrar to publish in some newspaper of general circulation, published in said county, a list of the names proposed to be stricken, the notices to whom were returned not found by the sheriff, and notifying such persons to appear on the Monday following said fourth Monday showing cause why their names should not be stricken from the lists, and that upon their failure so to appear, their names would be stricken from the list.

Sec. 11. On the fourth Monday of October, 1915, and on the fourth Monday of February of each year thereafter, the board shall proceed to consider the case of each elector whose name it is proposed to strike from the registration list, and determine the same, provided that on the demand of any person whose name is proposed to be stricken from the list a trial by jury may be had and the board shall forthwith certify the proceedings to the circuit clerk or clerk of a court of like jurisdiction, who shall docket the case in the circuit court of the county or other court of like jurisdiction. The solicitor shall represent the

State in the trial of said cause. Said board shall strike from the registration lists on said hearing the names of those who have been returned not found by the sheriff and who do not appear, and those and whose names have been published in accordance with section 10 above, and who failed in accordance with such notice by publication to appear shall be stricken from said list on the Monday following said fourth Monday.

Sec. 12. The registrar shall enter upon a book to be furnished by the secretary of State at the expense of the State for that purpose the names, in alphabetical order by precincts, and where any precincts have been divided or subdivided into districts, by districts, of all electors stricken from the registration lists, and within two weeks after each meeting for purging on the hearing provided for above the registration lists shall file the same in the office of the judge of probate. On the filing of said book, the judge of probate shall strike all said names from the list in his office and shall not again send them out to the inspectors.

Sec. 13. The registrar at such meetings shall enter on a book to be furnished by the secretary of State at the expense of the State for that purpose, the names, in alphabetical order, by election districts, of all electors, by districts where any election precincts have been divided or subdivided into districts, and shall give as accurately as possible the address of said electors and within two weeks after such meetings shall file the same in the office of the judge of probate. On the filing of said book, the judge of probate shall make therefrom an alphabetical list of the names thereon, stating the residence of the person registered by districts, which alphabetical list shall be substituted for and take the place of the lists in the office of said judge of probate of the county covering the precincts which covered and included said districts.

Sec. 14. The judge of probate shall from the registration list heretofore and hereafter returned to his office, including those registered prior to January 1, 1903, and excluding those names stricken therefrom, as shown by the lists returned to him under section 12 above, make correct alphabetical lists of all the electors registered by precincts and by districts of precincts where precincts have been divided or subdivided, which list shall be certified by him officially to be a full and correct copy of the list of registered electors for each precinct, and where a precinct has been divided or subdivided, for each district of each precinct respectively, as the same appears from the returns of the registrar on file in his office. Said judge of

probate shall after the first day of February, 1916, and of each year thereafter, compare such official list of registered electors with the poll tax lists which have been furnished him by the tax collector, and shall ascertain from such comparison the names of such persons on the official lists of registered electors who have failed to pay any poll tax for which they are legally due, and by such comparison and other available information, said judge of probate shall make correct alphabetical lists of all of the qualified electors registered by precincts and of districts of precincts where precincts have been divided or subdivided, and who have paid all poll tax due. Said lists so made up shall be published by him in some newspaper with a general circulation in said county on or before the 15th day of April, 1916, and of each year thereafter, and together with said lists there shall also be published a certificate that said list constitutes the correct list of all qualified electors who will be entitled to vote in any elections held in said county from the time of said publication until the first day of May of the next succeeding year, and also a notice that any voter duly registered whose name has been inadvertently or through mistake omitted therefrom and who has paid all poll taxes due and who is legally entitled to vote shall have ten days from said publication to have his name entered upon said list of qualified voters. If within such ten days any voter shall reasonably satisfy said judge of probate by proper proof that his name should be added to such list, his name shall be added thereto. An alphabetical list by districts and precincts of those so added within said ten days shall be prepared and published by said judge of probate in some newspaper with a general circulation in said county on or before the first day of May, 1916, and of each year hereafter. The alphabetical list of voters published by said judge of probate on or before the fifteenth day of April, together with the names added and published on or before the first day of May, shall be the official list of qualified voters in said county and for the districts and precincts therein for the next ensuing year, until a new list is published, and no person whose name does not thereon appear shall be allowed to vote nor shall he be allowed to vote except in the precinct, or if the precinct has been divided into districts in the district in which his name on said list appears unless such person complies with the qualifications prescribed by law for challenged voters. That for services rendered in comparing, making, certifying to, and seeing to the publishing of said lists, the probate judge shall be paid out of the county treasury five cents for each name which appears on

said list. Said probate judge shall, at the time of the publication of said lists, arrange for the printing of a sufficient number of copies of said official list by election districts and precincts, so that he may deliver to the inspectors at each voting place of all elections to be held in said county, during the next succeeding year and until a new list is published two printed copies of said list, and so that he may have on hand in his office for those who may call for the same, printed copies of such list. The number of copies so printed by the probate judge shall, in no instance, exceed two thousand copies, nor be less than five hundred copies. The publication and printing of said list shall be paid for by the county out of the county treasury. Each probate judge shall deliver or cause to be delivered, to the inspectors at each voting place, immediately preceding each election, two copies of that portion of the printed lists of the voters in such election precinct, or where the precinct has been subdivided in such election district, and where in said election there is participating more than one party, there shall be delivered one additional copy for each additional party participating. Said judge of probate shall certify that each of said lists so furnished is a correct official list of voters as the same appears of record in his office.

Sec. 15. The registrar in each county shall visit each precinct except the precinct in which is located the county site, at least once, and oftener if necessary, between November 15, 1915, and January 1, 1916, and each two years thereafter, and shall remain there at least one day from eight A. M. until sunset, and shall sit at the court house at the county site from January 1, 1916, to January 5, 1916, to make a complete registration of all persons entitled to register. They shall give at least twenty days' notice of the time when and the place and the precinct where they will attend to register applicants for registration by bills posted at three or more public places in each election precinct, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice or to attend any appointment made by them in any precinct, they shall, after like notice, file new appointments therein; but the time consumed by the board in completing such registration shall not exceed forty working days in any county except that in counties having more than 50,000 population, as shown by the last preceding census, the time shall not exceed sixty days.

Sec. 16. No person shall be registered except at the county site or in the precinct or district where he resides.

Sec. 17. The registrars shall issue to each person registered a certificate of registration.

Sec. 18. The time and place of meeting of board where there are two court houses.—Where there are two court houses in a county, the registrars may divide the time fixed for sitting at the county site between the two court houses as they deem best and they shall give twenty days' notice by bills posted at each of the court houses, designating the time and place at which they will sit. If there are more than two court houses, the registrars shall select the two court houses at which they shall sit and shall give notice as above provided.

Sec. 19. Examination and Oath of Applicant to Register.—The registrar shall have power to examine, under oath or affirmation all applicants for registration, and to take testimony touching the qualifications of such applicants. Each member of such board is authorized to administer the oath to be taken by the applicants and witnesses, which shall be in the following form and subscribed by the person making it, and preserved by the board namely: 'I do solemnly swear (or affirm) that in the matter of the application of for registration as elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God.'

Sec. 20. If any legal voter by affidavit duly sworn to before some officer authorized by the laws of this State to make affidavits, swears that in his opinion and belief any applicant for registration is not legally qualified to register, such applicant shall not be registered, but a day shall be set, not exceeding ten days from the time such application was made, to determine his qualifications. Notice of such day shall be given both to the applicant and to the voter filing such affidavit. Upon the day set, the registrars shall hear such evidence as is offered by either party in reference to the qualifications of such applicant, and shall determine whether or not the applicant is qualified to register.

Sec. 21. Persons qualified to register.—The following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election the qualifications as to residence prescribed by section 290 of the Code, shall be qualified to register as electors, provided they shall not be disqualified under section 293 of the Code. 1st. Those who can read and write any article of the Constitution of the United States in the English language, and who are physically unable to work; and those who can read and write any article of the Constitution of the United States in the Eng-

lish language and who have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling for the greater part of the twelve months next preceding the time they offer to register, and those who are unable to read and write, if such inability is due solely to physical disability; or 2nd. The owner in good faith in his own right, or the husband of a woman who is the owner in good faith in her own right of forty acres of land situated in this State, upon which they reside; or the owner in good faith in his own right, or the husband of any woman who is the owner in good faith in her own right of real estate situated in this State, assessed for taxation at the value of three hundred dollars or more, or the owner in good faith, in his own right, or the husband of any woman who is the owner in good faith in her own right, of personal property in this State assessed for taxation for three hundred dollars or more; provided that the taxes due upon such real or personal property for the year next preceding the year in which he offers to register shall have been paid, unless the assessment shall have been legally contested and is undetermined.

Sec. 22. If it appears to the registrar that an applicant for registration has all the qualifications set forth in section 21 except said applicant is not twenty-one years of age, but will become twenty-one years of age before the registrar will convene again and before another election in said county, the said registrar shall require such applicant to make affidavit before them in substance as follows: "I, _____, being duly sworn, do depose and say that my full name is _____; that I will become twenty-one years of age on the _____ day of _____; that I reside at _____; that I am now employed by _____; who is in business at _____; that my nearest living relative is _____, who resides at _____."

Said applicant shall also produce a legal voter who is known to at least one of the registrars, who shall make and subscribe before the registrar to the following affidavit: "I, _____, being duly sworn, depose and say that I am a legal voter; that I know _____ who has made the foregoing affidavit as to his age; that I know the facts stated in said affidavit are true." Upon both of said affidavits being made and subscribed to before the said registrar, and subject to an affidavit of challenge being made thereto, as in other cases, the name of said applicant shall be placed upon the registration list.

Sec. 23. Applicant may be refused.—Any person making application to the registrar for registration who fails to estab-

lish by evidence to the reasonable satisfaction of the registrar that he is qualified to register, may be refused registration.

Sec. 24. Majority of the board a quorum. The action of a majority of the registrars shall be the action of the board, and a majority of the board shall constitute a quorum for the transaction of all business.

Sec. 25. Right of appeal from registrars.—Any person to whom registration is denied shall have the right of appeal, without giving security for cost, within thirty days after such denial, by filing a petition in the circuit court or court of like jurisdiction held for the county in which he seeks to register, to have his qualifications as an elector determined. Upon the filing of the petition, the clerk of the court shall give notice thereof to any solicitor authorized to represent the State in said county, who shall appear and defend against the petition on behalf of the State. Upon such trial the court shall charge the jury only as to what constitutes the qualifications that entitle the applicant to become an elector at the time he applied for registration, and the jury shall determine the weight and effect of the evidence and return a verdict. From the judgment rendered an appeal will lie to the supreme court in favor of the petitioner, to be taken within thirty days. Final judgment in favor of the petitioner shall entitle him to registration as of the date of his application to the registrars.

Sec. 26. Not required to register.—No person registered as an elector shall again be required to register unless his place of residence is changed.

Sec. 27. Registration books, forms and blanks furnished by the secretary of State.—The secretary of State shall, at the expense of the State, have prepared and furnished to the registrars and judges of probate of the several counties a sufficient number of registration books and of blank forms of oath, certificates of registration, and of notices required to be given registrars. The cost of publication of the notices required to be given by the registrars shall be paid by the State, the bills therefor to be rendered to the secretary of State and approved by him.

Sec. 28. Registered on change of county or residence.—Any elector who registered prior to January 1, 1903, who has changed his residence shall be registered on application on production of his certificate, unless he has since become disqualified.

Sec. 29. Any applicant for registration must be required to make an affidavit in writing before the registrars in the fol-

lowing form: "I do solemnly swear (or affirm)—1. I know of no reason why I am not entitled to vote; 2. I am generally known by the name under which I now desire to vote, which is; 3. My occupation is; 4. My residence is; (if in city or town, give street number); 5. During the last six months, I have resided; 6. I am engaged in the following business or employment:; 7. The name of my present employer is; and his business address is; I was born at on the day of; 8. That and have personal knowledge of my residence in precinct for three months past."

Any applicant for registration who refuses to sign and subscribe to such affidavit shall not be entitled to register. Any applicant who cannot write his name shall subscribe to said affidavit by mark duly witnessed. It shall be the duty of the secretary of State, at the expense of the State, to furnish the registrar sufficient affidavit blanks in form as above described.

Sec. 30. The registrar shall arrange affidavits taken of applicants alphabetically and by precincts and shall return the same to the office of the judge of probate of the county. The same shall be kept as records in the office of the judge of probate of the county, and be open to public inspection.

Sec. 31. The registrar shall, each year, within two weeks after January 15, make a copy of the list of names registered, stating the residence of the persons registered by precincts, and where precincts have been subdivided into districts by districts or precincts, which copy, along with the registration lists must be returned to the office of the probate judge of the county. The judge of probate shall certify an alphabetical list to the secretary of State. The probate judge shall keep both the original list filed by the registrars and the alphabetical list made therefrom as records in the office of the probate judge of the county, and same shall be open to public inspection.

Sec. 31½. That in case of sickness or other disability of the registrar, the registrar on the approval of the probate judge may appoint a deputy registrar to act in the place of the registrar pending his sickness or disability, provided, however, that in no case shall more than one salary be paid.

Sec. 32. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 33. This act shall take effect upon its approval.

(Unsigned by the Governor.)

No. 130.)

(H. 148—Tarrant.

AN ACT

To abolish all excise commissions in the State of Alabama and to provide for the performance of the duties and exercise of the powers of the members of such excise commissions by the governing bodies of the towns or cities or counties wherein or for which said commissions exist.

Section 1. *Be it enacted by the Legislature of Alabama,* That all excise commissions in the State of Alabama existing for the purpose of supervising and regulating the liquor traffic in or for any of the towns or cities of this State be and the same are hereby abolished.

Sec. 2. That all the powers and duties of such excise commission or the members thereof in the regulation or supervision of the liquor traffic in any county, city or town of the State shall be exercised and performed by the governing body thereof, whether the same be the court of county commissioners, board of revenue, or other similar body by whatsoever name called, or the city council, or the town council, or city or town commission or other similar body by whatsoever name called and that the judge of probate, president or chairman of the board of revenue, or presiding officer of any other similar body by whatsoever name called, shall in counties and the mayor or chairman or president of the city or town commission or presiding officer of any similar body by whatsoever name called, shall in cities and towns, exercise the powers heretofore exercised by the chairman or president of the excise commission, and that such governing bodies shall so act in the regulation and supervision of the liquor traffic so long and only so long as it shall remain lawful to sell or otherwise dispose of intoxicating, spirituous, vinous or malt liquors in such towns or cities. Such service shall be performed by such municipal governing bodies without other or further compensation than that received by them as municipal officers.

Sec. 2¼. That the respective excise commissioners of this State are hereby directed and required to immediately turn over to the persons or bodies on whom the powers and duties formerly exercised by them have by this act been conferred, all papers, documents, records, moneys, properties and things held by them or under their control that in any manner appertain to such excise commissions or commissioners.

Sec. 2½. That all laws or parts of laws, special or general, in conflict with the provisions of this act are hereby repealed.

Sec. 3. That this act shall take effect from and after its passage and enactment into law, the public welfare requiring it. "Provided, that the provisions of this act shall not take effect in any county or counties of the State having a population of between eighty thousand and eighty-one thousand, as shown by the Federal census of 1910, until midnight of the 30th day of June, 1915."

Passed over the veto of the Governor July 17, 1915.

No. 171.)

H. 493—Welch.

AN ACT

Relating to elections and to limit, regulate, control and restrict campaign and other expenditures in connection with elections, and to require certain statements to be made of campaign expenditures; to require certain duties of certain committees and persons in connection with such campaign expenditures; to define, prevent and punish certain offenses and corrupt practices in connection with elections.

Be it enacted by the Legislature of Alabama:

Section 1. Any one or more persons who shall be elected, appointed, chosen or associated for the purpose wholly or in part of directing the raising, collection or disbursement, and every two or more persons who shall co-operate in the raising, collecting or distribution, or in controlling or directing the raising, collecting or disbursement of money used or to be used to further or defeat the nomination or election of any person or any class or number of persons to public office by popular vote, or in support of or in opposition to any measure or proposition submitted to popular vote, shall be deemed a political committee within the meaning of this act.

Sec. 2. That the word candidate in this act means any person who has announced to the public that he is a candidate for election or nomination to any public or party office.

Sec. 3. The word election in this act means any election in which there is submitted to the popular vote the names of any persons for nomination or election to any office, or in which there is submitted to the popular or party vote any measure or proposition.

Sec. 4. Any person is guilty of a corrupt practice if he directly or indirectly by himself or through any other person

or through any political committees, in connection with or in respect of any election, pays, lends or contributes or offers or promises to pay, lend or contribute, any money or other valuable consideration for any other purpose than the following matters and services at their reasonable bona fide and customary value: For his travelling expenses while campaigning; fee for qualifying; stenographic work; clerks at his campaign headquarters to address, prepare and mail campaign literature; telegrams; telephone; postage; freight; express; stationery; a list of voters; office rent; newspaper advertising; preparation, printing and publication of posters, lithographs, banners, notices and literary material, reading matter, cards and pamphlets; the compensation of agents to supervise and to prepare and distribute such articles and advertisements; the rent of halls in which to address the voters; the hire of bands or musicians and the reasonable travelling expenses of his agents, clerks and speakers. Any payment, contribution or expenditure, or agreement or offer to pay, contribute or expend any money or thing of value for any purpose whatsoever except as herein provided is hereby declared to be a corrupt practice.

Sec. 5. The total amount expended by any candidate for public or party office voted for at an election by the qualified electors of the State, or any political sub-division thereof, for any of the purposes specified in section 4 of this act, for contributions to political committees, as that term is defined in section 1 of this act, and for any purpose tending in any way directly or indirectly to promote or aid in securing his nomination and election, shall not exceed the amount specified herein. By a candidate for United States Senator, the sum of ten thousand dollars; by a candidate for Governor, the sum of ten thousand dollars; by a candidate for any other State elective office, the sum of two thousand five hundred dollars; by a candidate for the office of representative in Congress, the sum of two thousand five hundred dollars; by a candidate for the office of State senator, the sum of three hundred dollars; by a candidate for the office of State representative, the sum of two hundred and fifty dollars; by a candidate for any other public office to be voted for by the qualified electors of a county, city, town or village, or any part thereof, if the total number of votes cast therein for all candidates for the office of Governor at the last preceding State election, or at the last preceding State primary, if more votes were cast in such primary than in such election, shall be five thousand or less, the sum of one

thousand dollars; if the total number of votes cast therein at such last preceding State election or at such last preceding State primary, if it be higher than the last preceding State election, be in excess of five thousand, the sum of ten dollars for each one hundred in excess of such number may be added to the amounts above specified. By a candidate for presidential elector, the sum of one hundred dollars; by a candidate for delegate to any national convention of any party, the sum of two hundred and fifty dollars; by a candidate for delegate to a State or district or county convention of any party, the sum of fifty dollars; by a candidate for State chairman or national committeeman of any political party the sum of one thousand dollars; by a candidate for any other party office, the sum of two hundred and fifty dollars. The amount assessed against any candidate as a fee for qualifying shall not be included in the total of the above expenditures. Any candidate for a public or party office who shall expend for the purposes above mentioned an amount in excess of the amounts herein specified shall be guilty of a corrupt practice. The expenditure by any candidate for a public office of an amount in excess of the amounts herein specified shall disqualify said person for said office.

Sec. 6. Hereafter any candidate shall within five days after the announcement of his candidacy for any office, if the office be a State office, file with the secretary of State, and if the office be a county office, file with the judge of probate of said county, and if it be a district or circuit office, file with the judge of probate of each county which is embraced in said district or circuit, the name of not less than one or more than five persons selected to receive, expend, audit and disburse all moneys contributed, donated, subscribed, or in any way furnished or raised for the purpose of aiding or promoting the nomination or election of such candidate, together with a written acceptance or consent of such person to act as such committee, provided that any candidate may, if he sees fit to do so, declare himself as the person chosen for such purpose. Such committees shall appoint one of their number to act as treasurer, who shall receive and disburse all moneys received by said committee; he shall keep detailed accounts of receipts, payments and liabilities. The said committee, or its treasurer, shall have the exclusive custody of all moneys contributed, donated, subscribed, or in any wise furnished for or on behalf of the candidate represented by said committee, and shall disburse the same on proper vouchers. If any vacancies be created

by death or resignation or any other cause on said committees, said candidate may fill such vacancies, or the remaining members shall discharge and complete the duties required of said committee as if such a vacancy had not been created. No candidate for nomination or election shall expend any money directly or indirectly in aid of his nomination or election except by contributing to the committee designated by him as aforesaid. Any person who shall act as his own committee shall be governed by the provisions of this act relating to committees designated by candidates. Failure to make the declaration of appointment or selection by any candidate as herein required is hereby declared to be a corrupt practice, and in addition the name of such candidate so failing shall not be allowed to go upon the ballot at such election. The failure to perform any of the other acts herein required to be performed, or the performing of acts herein forbidden, is hereby declared to be a corrupt practice.

Sec. 7. All contributions, donations and subscriptions made for or on behalf of any candidate shall be made to the committee named by such candidate. The making of any such expenditures in aid of any candidate by any other person or committees or corporations other than by and through the committee named and designated under section 6 above is hereby declared to be a corrupt practice.

Sec. 8. That each and every committee appointed under section 6 herein, and each and every political committee as defined in section 1 hereof, be and they are hereby required to file in the office of the judge of probate of the county in which the candidate by which said committee was appointed resides, if such candidate is a candidate for State senator, representative in the Legislature, or for any county office or position, or in the office of the secretary of State, if he is a candidate for a national or State office or position, or for representative in Congress or judge or solicitor of any judicial circuit, or chancellor of any chancery district, and if the political committee be one in support or opposition to any measure or proposition submitted to the popular party vote, if such measure or proposition is submitted to the voters of the State, then in the office of the secretary of State, and if it be submitted to the voters of any particular county or district or circuit, then in the offices of the judges of probate of such counties, detailed, itemized statements of all expenditures made, as follows, to-wit: Not more than ten days nor less than five days prior to the election, and within ten days after the day of the election, shall

file statements giving in itemized, detailed form, including names, items, and detailed amounts, covering all of the expenditures made directly or indirectly, and all obligations, debts or liabilities assumed or incurred at the time of filing of said statements. Such statements shall include the names of all contributors of amounts in excess of ten dollars, with amount given by each, and a list of all gifts, loans or contributions made. Such statements shall itemize all moneys expended in sums over five dollars, and shall give the names of the various persons to whom such moneys were paid, the specific nature of each item, by whom the service was performed, and the purpose for which it was expended. There shall be attached to such statement an affidavit subscribed and sworn to by the treasurer of said committee setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys, securities or equivalents for money coming under the control or custody of the committee and by them expended directly or indirectly. If such statement is filed by a committee on behalf of any candidate, there shall also be attached to such statement an affidavit subscribed and sworn to by said candidate, setting forth in substance that said statement is to the best of his knowledge and belief in all respects true, and that he has not in person made any expenditures or received any contributions which are not set forth and covered by said statement. The failure of any committee designated by any candidate to file the statements herein required in the form and at the time specified is hereby declared to be a corrupt practice. If the statement required to be made prior to such election is not made by any candidate and committee for him, the name of such candidate shall not be placed upon the ballot to be used in such election. If the statement required to be made after such election is not made by any candidate and committee for him, a certificate of election or nomination shall not issue to such candidate though he be successful in such election. The failure of any other political committee to file the statements herein required in the form and at the time specified is hereby declared to be a corrupt practice. The statements herein required to be filed shall become public documents and be open to inspection by any citizen.

Sec. 9. Every bill, placard, poster, pamphlet, advertisement, newspaper advertisement, cartoon or other printed matter, having reference to an election or to any candidate, shall bear upon the face thereof the name and address of the person or committee causing the same to be published. The failure to

place thereon the name and address of such person or committee, or the printing or publishing or circulating of any such printed matters without the same bearing upon the face thereof the name and address of such person or committee is hereby declared to be a corrupt practice.

Sec. 10. All political advertisements appearing in a newspaper shall be marked paid advertisement. Any person who publishes or circulates any campaign literature or political advertisement without the same bearing upon its face the name and address of the person or committee causing the same to be published, or any person or the owner of any newspaper who publishes a political advertisement in a newspaper without the same being marked paid advertisement, is hereby declared to be guilty of a corrupt practice.

Sec. 11. Every cartoon having reference to an election or to any candidate or to any proposition to be submitted to a popular or party vote or to a vote of the Legislature of Alabama, shall, if published in any newspaper and not caused to be published therein by some person or committee, bear upon the face thereof the name of the owner or publisher of such newspaper, and if such newspaper is owned or published by a corporation, the name of the principal executive officer of such corporation.

Sec. 12. It is hereby declared to be a corrupt practice for any person on any election day, (1) to intimidate or attempt to intimidate an elector or any of the election officers; or, (2) obstruct or hinder or attempt to obstruct or hinder, or prevent or attempt to prevent, the forming of the lines of the voters awaiting their opportunity or time to enter the election booths; or (3) to hire or to let for hire any automobile or other conveyance for the purpose of conveying electors to and from the polls; or, (4) to do any electioneering or to solicit any votes or to promise to cast any votes for or against the election or nomination of any candidate, or in support of or in opposition to any proposition that is being voted on on the day on which the election affecting such candidacies or propositions is being held.

Sec. 13. It is hereby declared to be a corrupt practice for any person directly or indirectly by himself or through any other person to either, (1) aid or procure to be done any act forbidden to be done by the laws of this State relating to elections; or, (2) for any election inspector or other election officer to fail to perform any of the duties imposed upon him by law as such officer; or, (3) the commission of any crime or offense

against the elective franchise, or the encouragement or assistance of a person in the commission of a crime or offense against the elective franchise, or aiding or assisting any person charged with the commission of a crime or offense against the elective franchise to evade arrest or to escape conviction and punishment for such crime or offense, or the providing wholly or in part for the expense of boarding, lodging or maintaining a person at any place or domicile in any election precinct for the purpose of securing the vote for himself or any other person or proposition, or of registering any person as voter at any election held within this State, or the hiring or employment of a person to take or maintain a place in or to otherwise obstruct or hinder or to prevent the forming of the line of voters awaiting their opportunity or time to enter the polling place of any election, or (4) demand, solicit, ask or invite any payment or contribution for any religious, charitable or other cause or organization supposed to be primarily for the public good from any candidate for nomination or election, or, (5) demand, solicit, ask or invite any candidate for nomination or election for public office or party position or any political committee to subscribe for the support of any club or organization, or to buy tickets to any entertainment or ball or to pay for space in any book, program, periodical or publication. This shall not apply to the solicitation of any business advertising in periodicals in which the candidate was a regular advertiser prior to his candidacy, nor to ordinary business advertising, nor to the regular demands of any organization, religious, charitable or otherwise, of which he was a member or to which he was a contributor for more than six months before his candidacy, or to any ordinary contributions at church services. Or, (6) for any corporation or person, trustee or trustees, owning or holding a majority of stock of a corporation carrying on the business of a bank, savings bank, trust, trustee, savings indemnity, safety deposit, insurance, railroad, street railway, telephone, telegraph, gas, electric light, heat or power company, or any company having the right to condemn land, or to exercise franchises in public ways granted by the State, county, city, or town, to pay or contribute any money or value in order to aid or promote the nomination or election of any person, or in order to aid or promote the interest or success, or defeat, of any political party or political proposition; or, (7) for any business corporation incorporated under the laws or doing business in this commonwealth, or any officer or agent acting in behalf of such corporation, to directly or indirectly give, pay, expend or

contribute, or promise to give, pay, expend or contribute, any money or other valuable thing in order to aid, promote or prevent the nomination or election of any person, or defeat any question or proposition submitted to the vote of the people, or in order to aid, promote or antagonize the interests of any political party, or for any person or persons or political committee to solicit or receive from such corporations any such gift, payment, expenditure or contribution, or any promise to give, pay, expend or contribute.

Sec. 14. The doing by any person or persons of any act or acts herein defined to be a corrupt practice. Unless the punishment for such act or acts has otherwise been provided for under the laws of this State, shall be and is hereby declared to be a commission by such person or persons of a misdemeanor, and any person who commits such misdemeanor must on conviction be fined not more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months at the discretion of the court.

Sec. 15. Each section of this act and every part of each section are hereby declared to be independent sections and parts of any section, and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause, shall not affect the other sections or parts thereof.

Sec. 16. All laws or parts of laws inconsistent herewith are hereby repealed.

Sec. 7. This act shall take effect upon its approval.

Approved June 19, 1915.

No. 181.)

(H. 509—Vaughan.

AN ACT

Relating to the safety of employees and other persons on railroads, by providing for power headlights on all engines operated in road service in the night time, with a penalty for a violation thereof. Section 1. Locomotives to be equipped with power headlights—power of same—exceptions. 2. Penalty. 3. Violation—Duty of circuit courts. 4. Act to take effect when.

Be it enacted by the Legislature of the State of Alabama, as follows:

Section 1. Locomotives to be equipped with power headlights—power of same—exceptions. That all companies, cor-

porations, lessees, owners, operators or receivers of any railroad or railway company operating a railroad or railway in whole or in part in this State, are hereby required to equip, maintain and use upon every locomotive being operated in road service in this State in the night time, a power headlight of not less than fifteen hundred candle power brilliancy, measured with the aid of a suitable reflector: Provided, that nothing in this act shall be so construed as to prevent a locomotive engine, whose headlight has become defective while on the road, from proceeding to the most convenient terminal or division point where the necessary facilities exist for remedying such defect: Provided, this act shall not apply to industrial roads, such as tram roads, mill roads, and roads engaged principally in lumber or logging transportation in connection with mills, and provided further, that the provisions of this act shall not apply during the first ninety days of a strike of the particular employees, whose duties are to repair and maintain headlights.

Sec. 2. Penalty.—Any company, corporation, lessee, owner, operator, receiver or officer of any company, corporation, owner, lessee, operator or receiver owning or operating a railroad or railway in whole or in part in this State, violating or causing to be violated, the provisions of this act, shall be deemed guilty of a crime, and, upon conviction, shall forfeit and pay as a penalty \$300.00 for each separate offense, which shall be recovered in a civil action in the name of the State, and such petition shall be filed by the prosecuting attorney of the county in which such crime shall have been committed, and all fines collected under and by virtue of the provisions of this act shall revert to and become a part of the public school fund.

Sec. 3. Violation—duty of circuit courts.—It is hereby made the duty of the judge of any circuit court in the State to direct and charge grand juries when in session to make special inquiry as to violations of this law.

Sec. 4. Act to take effect when—All companies, corporations, lessees, owners, operators or receivers required by this act to equip, maintain and use a headlight upon locomotives as prescribed in section 1 of this act, shall be required to equip twenty-five per cent of such locomotives within six months from the passage and approval of this act; fifty per cent of such locomotives within the nine months from said time; seventy-five per cent of such locomotives within twelve months from said time, and all of such locomotives shall be so equipped within fifteen months from such time.

Approved July 17, 1915.

No. 185.)

(H. 385—Rogers of Sumter.

AN ACT

To protect the public from dogs running at large, and to provide a penalty for the violation thereof.

Be it enacted by the Legislature of Alabama:

1. That it shall be the duty of every person owning or having in charge any dog or dogs, to at all times confine such dog or dogs to the limits of his own premises or the premises on which such dog or dogs is, or are, regularly kept. Provided, that nothing in this act shall be construed to prevent the owner of any dog or dogs, or other person or persons having such dog or dogs in his or their charge from allowing such dog or dogs to accompany such owner or other person or persons elsewhere than on the premises on which such dog or dogs is, or are, regularly kept. Any person violating this act shall be deemed guilty of a misdemeanor and shall be fined not less than two nor more than fifty dollars. This act shall not apply to the running at large of any dog or dogs within the corporate limits of any city or town in this State that require a license tag to be kept on dogs. But this act shall not apply in any county in this State until the same has been adopted by the court of county commissioners or boards of revenue of such county.

Approved July 27, 1915.

No. 186.)

(H. 619—W. C. Davis.

AN ACT

To amend the Constitution of the State of Alabama so as to permit the issuance of bonds for the retirement of the floating debt of the State.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That there shall be and there is hereby proposed an amendment to the Constitution of the State of Alabama to provide for the issuance of one million five hundred thousand dollars of State bonds in addition to the outstanding bonded indebtedness of the State for the purpose of retiring and providing for the present floating debt of the State of Alabama, which amendment shall be in words and figures as follows: to-wit, "In addition to the present outstanding bonds of the State

of Alabama the Governor of the State is hereby authorized to issue one million five hundred thousand dollars of five per cent coupon bonds in denomination of five hundred dollars each, which shall not be sold for less than par, the interest payable semi-annually and the principal of which to be due and payable as follows: Ten per cent of said bond issue shall be due and payable January 1, 1920 and ten per cent each first of January following until the entire issue shall be retired. The proceeds from the sale of said bonds shall be used for the purpose of paying the present outstanding obligations of the State, and any surplus shall be paid into the general fund."

Sec. 2. That there shall be and there is hereby an election ordered to be held by the qualified electors of the State of Alabama on the 20 day of December, 1915, to vote on the proposed amendment to the Constitution of the State, which election shall be held under the laws and regulations prescribed for the holding general election in this State, and the Governor of the State shall by proclamation give notice of such election with a copy of the proposed amendment in similar manner as notices and proclamations are required to be given for general elections and shall cause the same to be published once a week for eight consecutive weeks next preceding the election in a newspaper published in each county of the State in which a newspaper is published and in counties where no newspaper is published the same shall be posted at the court house door in said county not less than eight weeks before said election.

Approved July 27, 1915.

No. 187.)

(H. 373—Chamberlain.

AN ACT

To amend an act entitled "An act to create and establish the office of general guardian ad litem in all counties of over one hundred thousand population, according to the last preceding Federal census or according to any subsequent Federal census; to prescribe his duties and qualifications, to provide for his appointment and to fix his compensation and term of office; to provide for the appointment of a guardian ad litem in cases where the general guardian ad litem is disqualified or where the interests of the infants interested in a case are antagonistic or conflicting; and to provide a penalty for wrongfully appointing such guardian ad litem," approved March 22, 1911.

Be it enacted by the Legislature of Alabama, That "An Act, to create and establish the office of general guardian ad litem in all counties of over one hundred thousand population, ac-

cording to the last preceding Federal census or according to any subsequent Federal census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and term of office; to provide for the appointment of a guardian ad litem in cases where the general guardian ad litem is disqualified or where the interests of the infants interested in a case are antagonistic or conflicting; and to provide a penalty for wrongfully appointing such guardian ad litem," approved March 22, 1911, be amended so as to read as follows: An Act to create and establish the office of general guardian ad litem in all counties of sixty thousand (60,000) population and not exceeding eighty-two (82,000) population, and all counties of over one hundred thousand (100,000) population according to the last preceding Federal census or according to any subsequent Federal census; to prescribe his duties and qualifications; to provide for his appointment and to fix his compensation and term of office; to provide for the appointment of a guardian ad litem in cases where the general guardian ad litem is disqualified or where the interests of the infants interested in a case are antagonistic or conflicting; and to provide a penalty for wrongfully appointing such guardian ad litem.

Section 1. *Be it enacted by the Legislature of Alabama,* That the office of general guardian ad litem in all counties of sixty thousand (60,000) population and not exceeding eighty-two thousand (82,000) population, and all counties of over one hundred thousand (100,000) population according to the last Federal census or according to any subsequent Federal census, be and the same is hereby created and established.

Sec. 2. That it shall be the duty of the general guardian ad litem, in all cases where infants are made defendants to complaints, bills, petitions or other proceedings in any court of law or equity in said county to represent and defend such infant or infants; and to represent all minors interested in suits in any of the courts of law or equity where said minor is not represented by a general guardian or where the general guardian is adversely interested or disqualified.

Sec. 3. That the fees of said general guardian ad litem shall be one per centum of the total amount or interest of the minor or minors, who are represented by said general guardian ad litem, involved in the case in which the general guardian ad litem acts; provided that the minimum fee shall in no case be less than five dollars, and the maximum fee shall in no case

be more than one hundred dollars, and that fees of such officer be collected as other costs in the case.

Sec. 4. That no person shall be eligible to the office of general guardian ad litem unless he be learned in the law.

Sec. 5. That the office of guardian ad litem shall be filled by appointment by the Governor and that his term of office shall be for four years and until his successor qualifies.

Sec. 6. That in any case in law or equity where more than one minor is interested in the cause in controversy and where the interests of said minors are antagonistic and conflicting, or in any case in which the general guardian ad litem is disqualified, it shall be the duty of the court before whom such case is pending, to appoint a suitable person or persons to represent the interests of such minor or minors; provided, however, that the general guardian ad litem shall represent the interests of one of such minors where their interests are antagonistic or conflicting, the interest of the minor which he represents to be selected by the court before whom such cause is pending.

Sec. 7. That the court or officer in making such appointment as provided in section six (6) shall select some person who is qualified to represent such infant in the capacity of an attorney or solicitor, and must not select or appoint any person who is related either by blood or marriage within the fourth degree, to either the complainant, petitioner, or plaintiff, or to the judge or clerk of the court, or who is in any manner connected with such complainant, petitioner, or plaintiff, with his attorney or solicitor.

Sec. 8. Any judge, register, or other officer, who shall knowingly appoint any person as guardian ad litem for an infant in violation of the provisions of the preceding section, shall be liable to a penalty of two hundred dollars (200) which may be recovered by such infant or his next friend suing for him in any court having jurisdiction of civil actions of such amount, and such claim shall not be barred by the statute of limitations until after two years after the arrival of such infant at the age of twenty-one years.

Sec. 9. Any plaintiff, petitioner, his attorney or counsel, or any person for him, who shall suggest or nominate a guardian ad litem in any action brought by such plaintiff, or petitioner, shall be liable to the same penalty as provided in the preceding section. No court or judge shall appoint any guardian ad litem upon his suggestion, nomination or recommenda-

tion of plaintiff, petitioner, his attorney or counsel or any person for him.

Sec. 10. This act shall go into effect immediately after its passage.

Approved July 27, 1915.

No. 188.)

(S. J. R. 89—Hill.

SENATE JOINT RESOLUTION.

Senate Joint Resolution of the Legislature of Alabama memorializing the Congress of the United States to erect a new public building in the City of Montgomery, Alabama.

Whereas, the city of Montgomery is the Capital of the State of Alabama, much Federal business being done here by the United States Circuit Court of Appeals, the United States District Court, the Post Office, the Land Office, the Receiver of Public Moneys, and the Weather Bureau, and,

Whereas the public building here is totally inadequate, both as to design and size, for the proper transaction of the necessary business, and, being erected some thirty years ago, is seriously out of repair and of so antiquated a style as to present a shabby contrast to the modern and progressive appearance of the city, and,

Whereas Representative Dent, of the Second Congressional District of Alabama, introduced in the Sixty-third Congress of the United States a bill seeking to appropriate a proper sum for the purchase of a site and the erection of a new public building and proposes to reintroduce this bill into the Sixty-fourth Congress,

Therefore, be it resolved by the Senate of Alabama, the House concurring, that the Congress of the United States be and is hereby memorialized to enact the said bill into law at the earliest possible time, and

Resolved further that a copy of this resolution be forwarded by the Secretary of State to the Vice-President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives and to each of the Senators and members of the Alabama Delegation in the Sixty-fourth Congress of the United States.

Approved July 27, 1915.

No. 191.)

(H. 858—Blackwell.

AN ACT

To provide for the expenses of this session of the Legislature.

Be it enacted by the Legislature of Alabama:

That fifty thousand dollars or so much thereof as may be necessary, be and the same is hereby appropriated to pay the per diem and mileage of the members, officers and employees of the Legislature of Alabama, and other expenses thereof for the rest of this session of Legislature.

Approved July 27, 1915.

No. 193.)

(H. 333—McDonald.

AN ACT

To regulate the proceedings of justices of the peace; and notaries public with powers of justices of the peace, in all criminal proceedings.

Be it enacted by the Legislature of Alabama:

1. That all justices of the peace and all notaries public with powers of justices of the peace, in the State of Alabama, shall, in all criminal proceedings brought before them, have their dockets to show fully all cases brought before them, and the disposition of the same; the names of all witnesses summoned, in each case; a fully itemized statement of all costs and fines, and the disposition of each fine, and shall, when submitting their dockets to the grand jury for inspection, sign the following affidavit: I,....., a justice of the peace (or notary public, ex-officio justice of the peace) in and for precinct No....., of.....county, Alabama, do solemnly swear, that my docket this day submitted to the grand jury of this county, contains a full, true and correct statement of all criminal proceedings whatsoever had before me since the last preceding submission of my docket to the grand jury as required by law.

2. Any justice of the peace, or notary public with powers of justice of the peace, who shall willfully violate any of the provisions of the first section of this act shall be guilty of a misdemeanor and shall, on conviction, be fined not less than fifty, nor more than five hundred dollars.

3. Any justice of the peace or notary public with powers of justices of the peace who issues any warrant of arrest for any person charged with an offense, and makes it returnable before any justice not of the precinct in which the alleged offense was committed, unless there is no justice of the peace nor notary public living therein qualified to hear the charge, is guilty of a misdemeanor, and a judgment of conviction of this offense shall operate to vacate his office without any other or further proceeding.

4. Any justice of the peace or notary public who hears, examines, or tries any person charged of a criminal offense out of the precinct in which the offense was committed, unless he is a justice of the peace or notary public residing in an adjoining precinct to that in which the offense was committed, and in which there was at the time no justice of the peace, or notary public with the powers of a justice of the peace, qualified to hear or try the matter, is guilty of a misdemeanor, and a judgment of conviction shall operate to vacate his office without other or further proceeding. That nothing contained in this act shall prevent any justice of the peace or notary public with the powers of a justice of the peace from hearing and determining any preliminary proceeding as now provided by chapter 275 of the Code of Alabama, of 1907.

Approved August 2, 1915.

No. 194.)

(H. 302—Rogers of Sumter.

AN ACT

To amend section 4828 of the Code of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That section 4828 of the Code of Alabama be amended so as to read as follows: If the charges, when due, are not paid within ten days after demand therefor, such hotel, inn, boarding house or restaurant keeper may, on giving ten days notice of the time and place of such sale, by advertisement, by one insertion in some newspaper published in the county in which the hotel, inn, boarding house or restaurant is located, or, if there be no such paper, by posting the notice in a conspicuous place in the lobby of such hotel, inn, boarding house or restaurant, and one other public place in the county, sell such goods and baggage to the

highest bidder, and apply the proceeds to the payment of the charges for and expense of keeping such goods and baggage, and of the sale thereof, and to the satisfaction, in whole or in part, as the case may be, of said lien, and the balance, if any there be, shall be paid over to the owner on demand. The demand herein first provided for may be made in person, or by letter or writing, duly stamped, addressed and mailed to such owner, to his address, if known to such keeper, or to the address appearing on the register of such hotel, inn, boarding house or restaurant.

Approved August 2, 1915.

No. 195.)

(H. 646—Gordon.

AN ACT

To amend section 1782 of the Code of Alabama, 1907 (relates to sale of school and indemnity lands).

Be it enacted by the Legislature of Alabama:

1. Amend section 1782 of the Code of Alabama, 1907, so as to read as follows: 1782 (3661) Sale of school and indemnity lands authorized. The superintendent of education is authorized and empowered to sell and dispose of all school lands or any part of the timber thereon, together with those which have been heretofore or may hereafter be certified to the State for the use and benefit of the several townships or districts in which was a deficiency in the amount of land originally certified to the State for their benefit, subject to the approval of the Governor.

Approved August 2, 1915.

No. 197.)

(H. 423—Chamberlain.

AN ACT

To amend section 4648 of the Code of Alabama, of 1907.

Be it enacted by the Legislature of Alabama:

That section 4648 of the Code of Alabama, of 1907, be amended so as to read as follows: 4648. In what precinct suit to be brought. Unless otherwise provided, no person can be sued out of the precinct of his residence, or that in which the

debt was created, or the cause of action arose and all judgments rendered contrary to the provisions of this section shall be null and void.

Approved August 5, 1915.

No. 198.)

(H. 425—Chamberlain

AN ACT

To amend section 4915 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

That section 4915 of the Code be amended so as to read as follows: "4915 (2980). Resisting or opposing harbor master; refusal or failure to obey his orders; penalty.—Any person in charge of a vessel who resists or opposes the harbor master, or deputy harbor master, or acting harbor master, in the lawful execution of his duties, or who shall refuse or fail to obey an order given by the harbor master, or deputy harbor master, or acting harbor master in the lawful execution of his duties shall be punished by a fine of not less than \$50.00 and not more than \$500.00 and may also be punished by imprisonment in the county jail or sentenced to hard labor for the county for not exceeding six months."

Approved August 2, 1915.

No. 203.)

(H. J. R. 162—Rules Com.

A RESOLUTION

Relative to having House and Senate journals each bound in two volumes.

Resolved by the House, the Senate concurring,

That the secretary of State be instructed to have the House and Senate journals each bound in two volumes.

Passed by the Senate July 30, 1915.

Passed by the House of Representatives August 3, 1915.

No. 204.)

(S. 358—Miller.

AN ACT

To prohibit the running at large of bulls more than twelve months of age.

Be it enacted by the Legislature of Alabama:

Section 1. That it is hereby declared to be unlawful for the owner of any bull more than twelve months of age to permit such bull to run at large.

Sec. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars and not more than two hundred dollars.

Sec. 3. Provided the provisions of this act shall not apply to any territory in this State where cattle are permitted, by law, to run at large twelve months in the year.

Approved August 6, 1915.

No. 205.)

(S. 654—Brown.

AN ACT

To authorize the sale and conveyance or lease of the property of a public utility, together with the franchises, contracts, good will and other assets of such public utility, to a purchaser then engaged or proposing to engage in the business conducted by such public utility; and to authorize the sale and conveyance of the capital stock of a corporation owning and operating a public utility to a purchaser, whether or not engaged or proposing to engage in the business of such public utility, whenever the sale and conveyance or lease of the property of such public utility, and whenever the sale and conveyance of the capital stock of such corporation is consistent with the interests of the public; and to provide for determining whether any sale and conveyance or lease proposed to be made under the provisions of this act is consistent with the interests of the public.

Be it enacted by the Legislature of Alabama:

Section 1. The property of a public utility, together with its franchises, contracts, business, good will and other assets, may be lawfully sold and conveyed or leased to, and thereafter lawfully held, enjoyed and operated by, a purchaser then engaged or proposing to engage in the business conducted by such public utility; or the capital stock of a corporation owning and operating a public utility may be lawfully sold and conveyed to, and thereafter lawfully held and enjoyed by, a purchaser

whether or not such purchaser is engaged, or proposes to engage in the business conducted by such public utility; whenever such sale and conveyance or lease of the property, franchises, contracts, good will and other assets of such public utility, or whenever the sale and conveyance of the capital stock of such corporation, is consistent with the interests of the public. In cases where the property of the public utility proposed to be sold and conveyed or leased lies within, and the franchises and public duties thereof relate to, a single municipality, and in cases where such a public utility is owned by a corporation, and its capital stock is proposed to be sold, the question whether the proposed sale and conveyance or lease is consistent with the interests of the public shall be determined by the governing body of such municipality, and also by the railroad commission of Alabama, and if the governing body of such municipality and the railroad commission of Alabama shall each determine that the proposed sale and conveyance, or lease, is consistent with the interests of the public, their determination shall be shown by their approval of the proposed sale and conveyance or lease; in all other cases the question whether the proposed sale and conveyance or lease is consistent with the interests of the public shall be determined by the railroad commission of Alabama, and if the railroad commission of Alabama determines that the proposed sale and conveyance or lease is consistent with the interests of the public, its determination shall be shown by its approval of the proposed sale and conveyance or lease. Provided that thirty days' notice in a newspaper published in such municipality of such application shall be given before the hearing by the railroad commission. Provided, however, that, if all or substantially all of the property and assets of any public utility corporation is proposed to be sold under the provisions of this act, the same corporate procedure shall be necessary as in the case of other private corporations.

Sec. 2. Nothing in this act contained shall be construed to limit or restrict any right to sell, lease, hypothecate or mortgage any property, or to invalidate any legal sale, lease, hypothecation or mortgage thereof, where the same is legal without reference to the provisions of this act.

Sec. 3. Nothing herein contained shall be construed to authorize the sale and conveyance of property employed in the business of commerce among or between the States and territories of the United States or District of Columbia, contrary to the laws of the United States.

Sec. 4. Nothing herein contained shall be construed to authorize or permit any person, firm, association or corporation to use the streets, alleys, avenues or public places of any city, town or village, for the construction or operation of any public utility or private enterprise, without the consent of the proper authorities of such city, town or village.

Sec. 5. All laws and parts of laws expressly or impliedly in conflict with the provisions of this act are hereby repealed.

Approved August 6, 1915.

No. 206.)

H. 160—Chamberlain.

AN ACT

To amend sections 4079, 4080, 4082 and 4083 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama, That sections 4079, 4080, 4082 and 4083 be amended to read as follows:

"4079 (1881) (2883) (3180) (2838) (2423) Issue of Executions Must Be Signed and Tested. The clerk must issue executions on all judgments in favor of the successful parties as soon after the time prescribed for the issuance of said executions by law, as is practicable, unless otherwise directed. The writ must be signed by the clerk, and tested on the day it is issued.

"4080 (1882) (2884) (3181) (2839) (2424) Time in Which Executions Must Issue. When the court continues in session but one week, the clerk must issue executions within ten days thereafter; when it continues two weeks, within fifteen days thereafter; and when it continues three weeks or more the clerk must issue executions after ten days from the rendition of any judgment.

"4082 (1884) (2886) (3183) (2841) (2426) When May Be Issued Before Prescribed Time. Upon the rendition of judgment, execution may be issued by leave of the court before the time prescribed in section 4080 for the issuing of executions, the plaintiff, his agent, or attorney, showing sufficient cause therefor by affidavit; but the defendant is not prevented thereby from moving for a new trial, or in arrest of judgment, nor deprived of any right he would otherwise have had.

"4083 (1885) (2887) (3184) (2842) (2427) When Must Be Issued Immediately After Judgment. After the rendition of judgment, and before the expiration of the time limited by

section 4080 on affidavit being made and filed in his office, that the defendant is about fraudulently to dispose of, or remove his property, and that thereby the plaintiff will probably lose his debt, the clerk must issue execution against the property of the defendant."

Approved August 9, 1915.

No. 207.)

(H. 198—Green of Dallas.

AN ACT

To provide for State registration of nurses.

Section 1. *Be it enacted by the Legislature of the State of Alabama*, That a board to be known as the board of nurses examiners for the State of Alabama, is hereby created to consist of five members who shall be appointed by the Governor three (3) of whom shall be graduate nurses and two (2) of whom shall be physicians.

Sec. 2. That within ninety days after the passage of this act the Alabama State association of graduate nurses shall, through its executive committee, submit to the Governor a list containing the names of four (4) licensed physicians of good standing in their profession together with the names of six (6) nurses each of whom shall have graduated from a training school connected with a general or private hospital requiring not less than two (2) years training and who shall have been engaged in nursing for not less than five (5) years after graduation, and the Governor shall appoint the members of the board from said list.

Sec. 3. That each member of said board shall serve for a term of three years, and until his or her successor is appointed and qualified; except in the case of the first board, whose members shall hold office as follows: One nurse shall be appointed to hold office for one year, one nurse and one physician for two years, one nurse and one physician for three years. An unexpired term of any member of the board, caused by death, resignation or otherwise, shall be filled by the Governor in the same manner as the original appointment is made.

Sec. 4. That the members of said board shall, as soon as organized and annually thereafter in the month of October, elect from their number a president and a secretary-treasurer.

Three members of this board shall constitute a quorum: Special meetings of said board shall be called by the secretary-treasurer upon the written request of any two members: It shall adopt a seal which shall include the words "Nurses Board of Examination and Registration of Alabama" and the imprint shall be placed on all certificates and warrants issued by it: Said board shall be authorized to make such rules as may be necessary to govern its proceedings, and to carry into effect the purpose of this act: The secretary-treasurer shall keep a record of all meetings of the board and an official register of all applicants for registration under the provisions of this act: Said register to show the name, age, nativity, place of residence and photograph of each applicant, said register shall also show whether said applicant was examined, registered or rejected under this act, and said register shall be prima facie evidence of all matters therein contained and shall be open at all reasonable times to public inspection.

Sec. 5. That members of said board shall receive five dollars (\$5.00) per day and the actual necessary expenses incurred in the discharge of their duties, and the secretary-treasurer shall receive an additional salary to be fixed by the board not to exceed one hundred (\$100.00) dollars per year, said expenses and salaries shall be paid from the fees received by the board under the provisions of this act, and no part of salaries and other expenses of the board shall be paid out of the State treasury. All money received in excess of said allowance and other expenses provided for, shall be held by the secretary-treasurer for meeting the expenses of the board and the cost of annual reports of the board.

Sec. 6. That after October 1st, 1916, it shall be the duty of said board to meet at least once in every year and at such other times as the board may deem expedient for the purpose of holding examinations. Notice of such meetings shall be given in the public press, in at least one nursing journal, and by mail to every applicant, and to every training school in Alabama at least thirty (30) days prior to the meeting.

Sec. 7. That any person desiring to obtain a certificate of registration under this act shall make application in writing, first paying to the secretary-treasurer an examination fee of five dollars (\$5.00) and shall present himself or herself at such regular meeting for examination of applicants. Said board being satisfied that said applicant is of the age of twenty-one (21) years, of good moral character has received the equivalent of a grammar school education and has graduated from a training

school connected with a general hospital or sanitarium, where not less than three years consecutive training with a systematic course of instruction is given in the hospital or sanitarium or has graduated from a training school in connection with a hospital of good standing supplying a systematic three years training corresponding with the above standards which training may be obtained in one or two affiliated hospitals, shall proceed to examine said applicants in elementary anatomy, physiology, bacteriology and materia medica, in medical, surgical, obstetrical and practical nursing, in dietetics and hygiene. Said board shall upon said applicant passing said examination to its satisfaction cause the name of the applicant to be entered upon the register kept for that purpose, and shall cause to be issued to said applicant a certificate of registration authorizing him or her to practice the profession of nursing as a registered nurse. Registered nurses from other States may be accepted without examination, upon furnishing satisfactory evidence to the board of examiners that they possess the above qualifications embodied in this act and upon payment of registration fee. Provided, however, that all graduates of the Bryce Hospital Training School for Nurses, situated at Tuscaloosa, Alabama, shall be entitled to examination and registration under the provisions of this act.

Sec. 8. That all nurses graduating before October 1st, 1917, shall be permitted to register without examination upon payment of registration fee. Nurses who are graduates of training schools connected with a general hospital or sanitarium giving two years training and in which in other respects proper standards are maintained and who are engaged in professional nursing at the date of the passage of this act or have been engaged in nursing five years after graduation prior to the passage of this act and also those who are in training at the time of the passage of this act, and shall graduate hereafter shall be entitled to registration without examination provided such application be made before October 1st, 1916. Provided, also, that all graduates of the Bryce Hospital Training School for Nurses, situated at Tuscaloosa, Alabama, shall be entitled to registration under the provisions of this section upon furnishing satisfactory proof of their graduation from said school.

Sec. 9. It shall be unlawful after October 1st, 1916, for any person to practice professional nursing as a registered nurse without a certificate in this State. A nurse who has received his or her certificate according to the provisions of this act shall be styled and known as "Registered Nurse." No other person shall

assume the title "Registered Nurse" or any other letters or figures to indicate he or she is a registered nurse. Provided, that the provisions of this section shall not apply to graduates of the Bryce Hospital Training School for Nurses, situated at Tuscaloosa, Alabama, who can furnish satisfactory proof of graduation from said school.

Sec. 10. That this act shall not be construed to affect or apply to gratuitous nursing of the sick by friends or members of the family, nor shall it apply to any person nursing the sick for hire, but who does not in any way assume the title of "Registered Nurse" or "R. N."

Sec. 11. That the board of examiners shall have the power to revoke any certificate of registration for incompetency, dishonesty, intemperance, immorality or unprofessional conduct after a full and fair investigation of the charges preferred against the accused. Thirty (30) days prior to such hearing a copy of the charges (which charges must be specified in writing and under oath), shall be furnished to the accused who shall at the same time be furnished with written notice of the time and place where such charges will be heard and determined. At such hearing all witnesses shall be sworn either by the president or secretary-treasurer and the accused shall be entitled to be heard and represented by counsel. No revocation shall be made except upon a majority vote of the full board and upon the revocation of any certificate the same shall be null and void and the secretary-treasurer of the board shall strike the name of the holder thereof from the roll of registered nurses.

Sec. 12. That any person violating any of the provisions of this act or who shall willfully make any false representation to the board of examiners in applying for a certificate shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than ten (\$10.00) dollars and not more than five hundred (\$500.00).

Sec. 13. That the words "general hospital" as used in this act shall mean a hospital that maintains twenty or more beds for the sick and where general medicine, general surgery and obstetrics is practiced.

Sec. 14. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 15. That this act shall take effect sixty (60) days after its passage.

Approved August 6, 1915.

AN ACT

To provide for the branding and labeling of new and renovated mattresses and comforts, and to provide against the use of unsanitary, unhealthy, old or second-hand material in the manufacture of mattresses and comforts, and to provide against the sale of mattresses or comforts containing such unsanitary, unhealthy, old or second-hand material.

Section 1. *Be it enacted by the Legislature of the State of Alabama*, That no person shall, within the State, manufacture for sale; knowingly, offer for sale, sell, deliver or have in his possession, with intent to sell or deliver, any mattress or comfort which is misbranded or mislabeled within the meaning of this act.

Sec. 2. Mattresses and comforts shall be branded, or labeled, as hereinafter provided, before being exposed for sale, and shall not be exposed without such brand or label.

Sec. 3. The brand or label required by the next preceding section shall contain in plain English lettering a statement of the materials used in the manufacture of such mattresses or comforts, giving the total weight and the percentage of each material used in all cotton, felt, wool, kapock, silk floss, floss and hair mattresses. Percentage of each material used must be given on other mattresses. Such brand or label shall be placed upon each mattress or comfort.

Sec. 4. Such label shall be in the form of cloth or cloth-lined tag, to be sewed or otherwise securely attached to each article and placed securely upon the bale, box or crate in which such mattresses are packed, shipped or exposed for sale.

Sec. 5. Such brand or label shall be placed outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

Sec. 6. When any mattress is renovated by any manufacturer for a customer, the manufacturer so renovating shall detach the original label hereinabove provided for, if the same is still attached to the mattress, and before delivering said mattress to said customer, he shall re-attach the original label in the same manner, and in addition thereto he shall attach a label, made and attached in the same way as is hereinabove provided for, which label shall show in plain English lettering the word 'Renovated,' and marked "second-hand filler," together with the name of the manufacturer renovating, the name of the customer for whom renovated and the date of renovation.

Sec. 7. A person dealing in mattresses or comforts as described in this act shall not have them in possession for the purpose of sale or offer them for sale, without the brand or label thereon.

Sec. 8. No person within this State, shall use, either in whole or in part, in the manufacture of mattresses or comforts, any cotton, or other materials, which has been used for any purpose whatever.

Sec. 9. A mattress or comfort within the meaning of this act shall include any quilted bed or pad, tufted or not tufted, stitched or otherwise finished bed or pad, stuffed with excelsior, cotton, jute, hair, husks, sea moss, bamboo, wool, fibre, floss, kapock, felted cotton, felt, shoddy, African fibre, Louisiana tree moss, or other material used for this purpose, sterilized feathers excepted.

Sec. 10. If labeled felt or felted cotton it is understood that the cotton or material has all been carded in layers or sheets by a Garnett or cotton felting machine.

Sec. 11. A person who sells, offers for sale, gives away, manufactures or causes to be manufactured with intent to sell, any mattresses or comforts which are not branded or labeled pursuant to the provisions of this act, or who falsely brands or labels any mattresses or comforts, or who knowingly fails or neglects to state the true and actual quality and quantity of the materials used in any mattress or comfort, shall upon conviction thereof be fined not less than twenty-five (\$25.00) dollars, nor more than five hundred (\$500.00) dollars, or imprisoned in the county jail not more than six (6) months, or both.

Sec. 12. When any peace officer or health officer has reason to believe that any of the provisions of the act is being violated, he shall fully advise the circuit solicitor of the county, and said solicitor shall without delay proceed to enforce this act.

Approved August 9, 1915.

No. 209.)

(H. 451—Tunstall.

AN ACT

To amend section 625 of the Code.

Be it enacted by the Legislature of Alabama, That, section 625 of the Code be amended so as to read as follows:

1. The State treasurer may employ a chief clerk and three assistant clerks and one stenographer in his office and remove them at his pleasure. The chief clerk shall receive an annual salary of eighteen hundred dollars and two of the assistant clerks shall receive an annual salary of fifteen hundred dollars each, and the third assistant clerk shall receive an annual salary of twelve hundred dollars. The stenographer shall receive an annual salary of seven hundred and fifty dollars, payable as the salaries of other officers are paid; and each of them must, before entering upon his duties, comply with such requisitions as the treasurer may prescribe for his own security. One of said assistant clerks shall be designated as a pension clerk.

2. This act shall take effect upon its passage.

Approved August 6, 1915.

No. 213.)

H. 908—Weakley.

AN ACT

To provide for the return to surety companies organized under the laws of other States, the securities deposited by such companies with the treasurer of this State, when such company has ceased to do business in the State of Alabama, and has reinsured its risks in another surety company authorized to do business in Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever any surety company authorized to do business in this State, and having on deposit with the State treasurer securities deposited as required by law for the security of its contracts in this State, has ceased to do business in this State, and has reinsured all of its risks in another surety company which is authorized to do business in the State of Alabama, and has complied with all of the laws of this State with regard to the deposit of securities for the protection of its risks so written in this State, the State treasurer is authorized and directed to deliver to such surety company which has ceased to do business in this State, the securities deposited by such company with the State treasurer, upon compliance by such company so withdrawing with the terms of section two of this act.

Sec. 2. Whenever any surety company authorized to do business in this State shall cease to do business therein, and shall desire the withdrawal of its securities from the State treasurer, it shall make a written statement by its president or executive officer under the seal of the company, showing each contract of insurance or indemnity in force with the said com-

pany in the State of Alabama, and stating that said contracts have been reinsured in another company authorized to carry on a similar business in the State of Alabama, and naming such company. The said surety company so desiring to withdraw from the State of Alabama, and desiring to secure the return of the securities deposited by it, shall also file with the State treasurer a statement in writing signed by the executive officer of the re-insuring company, and under the seal of the said company, which said statement shall show that the last named company has assumed all liability in connection with the risks of the withdrawing company, and that the beneficiaries under the contracts made with the withdrawing company, shall have the same right of action against the reinsuring company, and against the securities deposited by it as they would have against the company in which such risks were originally written.

Approved August 6, 1915.

No. 216.)

(S. 419—Hill.

AN ACT

To provide for the payment by the county or municipality of the expenses of the publication of the Governor's proclamation submitting a proposed constitutional amendment to the people, where the amendment applies only to a county or a subdivision of a county or to a municipality.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever an amendment to the Constitution of Alabama, effecting only a county or a subdivision of a county or a municipality, is submitted to the people for ratification or adoption, the county to which such amendment relates or effects, or the municipality which such amendment effects, shall pay the expense of the publication of the Governor's proclamation concerning such amendment and the court of county commissioners or board of revenue of the county, where such amendment relates to a county or a part thereof, and the auditor, clerk, mayor or other officer, having authority to draw warrants on the treasury of such municipality, when such amendments relate to a municipality, shall, upon the presentation of a claim for the necessary amount to be paid by the State for such publication, certified by the State auditor, make an order and draw a warrant payable to the State treasurer out of the funds of said county or municipality, as the

case may be, and it shall then become the duty of the custodian of the county funds or municipal funds, as the case may be, to pay the amount of said warrant to the treasurer of the State of Alabama.

Approved August 9, 1915.

No. 217.)

(S. 537—Lusk.

AN ACT

To provide a circuit court in every county in the State, and for the consolidation of the chancery court and all other courts of record having the jurisdiction of the chancery court or circuit court or either of them into the circuit court, and to remove all pending causes and records into the circuit court, and to provide and regulate the proceedings therein.

Be it enacted by the Legislature of Alabama:

1. That there is hereby provided in every county in the State a circuit court with all the jurisdiction and powers that are conferred on the circuit court by the Constitution and laws of this State.

2. That the jurisdiction and powers of the chancery court are hereby conferred on the circuit court, and the circuit court must proceed in, try and determine every cause, or proceeding in equity in the same manner, by the same rules and principles as the same cause would be tried if in the chancery court.

3. That with the exception of the probate court, every court of record having the jurisdiction of the circuit court and chancery court, or of either, and every court of record by whatever name called, having the jurisdiction to try civil and criminal cases, or either with juries is hereby consolidated into the circuit court. This act must not be construed to affect in any manner the courts of county commissioners, or boards of revenue, nor the county courts established under article three (3) of chapter one hundred and ninety-eight (198) of the Code, nor any inferior court established in lieu of justices of the peace, nor any inferior court having the jurisdiction to try cases exclusively without juries. That all the papers, books, files and records of every kind belonging to, or on file in any court hereby consolidated into the circuit court shall be transferred to and become a part of the papers, files, books and records of the circuit court and all causes, or proceedings of every kind pending in any court hereby consolidated into the

circuit court shall proceed to final judgment therein as though they had been begun in the circuit court in the first instance.

4. The clerk, or register, of the circuit court, as the case may be, shall have full power to issue any mesne, or final process in any cause that was pending in a court at the time it was consolidated into the circuit court, and issue execution, or other final process on any judgment, or decree of any such court which was rendered before consolidation, and to make complete and perfect exemplifications of any order, judgment, decree, or proceeding and of every paper and record which formerly belonged to the court which is consolidated hereby into the circuit court as fully and effectually as the clerk or register of the courts hereby consolidated could have made but for such consolidation.

5. This act shall take effect on the first Monday after the second Tuesday in January 1917, but as to the courts herein above abolished it shall become effective so as to preclude and prevent the nomination or election of judges, chancellors, or other officers connected with such abolished courts at the primary and general election in the year 1916, and this act shall authorize the nomination and election of judges of said circuit courts in 1916.

6. That if any section, clause or provision of this act shall be declared to be unconstitutional it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

8. That all laws, general, special or local in conflict with any of the provisions of this act be and the same are hereby repealed.

9. That a circuit court shall be held at each place where a court of record is authorized to be held on December 31, 1916.

Approved August 16, 1915.

No. 219.)

(H. 678—Walden.

AN ACT

To amend section 2044 of Code of 1907 of Alabama.

Be it enacted by the Legislature of Alabama:

That section 2044 of the Code of Alabama, of 1907, be amended so as to read as follows: Section 2044. Veterans who are eligible: Only indigent Confederate veterans and wives,

when accompanied by their husbands, who shall have been bona fide residents of the State of Alabama for two years prior to making application for admission into the soldiers' home shall be eligible as beneficiaries under this article, provided however, that the wife of such Confederate veteran shall at the time of such application, be over the age of sixty years, and provided further that she shall have been the wife of such Confederate veteran for five years or more prior to making such application for admission to said home. The widows of veterans whose husbands die while inmates of the home, and who accompanied their husbands to the home, shall remain inmates and beneficiaries of the home.

Approved August 12, 1915.

No. 220.)

(S. 129—Lee.

AN ACT

To provide for a county board of education, to prescribe the method of election of the members thereof, to define the powers and duties of the board, and to require the boards of education in incorporated cities and towns to make an enumeration of children of school age.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the third Saturday in November, 1916, the public schools of each of the several counties of the State, except those in incorporated cities and towns, shall be under the immediate direction and control of a county board of education consisting of five members. The county board of education of each county shall be elected by the qualified electors of the county. All members of the county board of education of any county shall be persons of good moral character with at least a fair elementary education, of good standing in their respective communities, and known for their honesty, business ability, public spirit and interest in the good of public education.

Sec. 2. That at the general election of State and county officers in November, 1916, the qualified electors of the county shall elect five members of the county board of education; and provided that the five persons receiving the highest number of votes from the county at large shall be declared the members of the county board of education; provided, that the two members of the board so elected receiving the highest number of votes shall hold office for a term of six years;

that the two members receiving the next highest number of votes shall hold office for a term of four years; and that the member so elected receiving the lowest number of votes shall hold office for a term of two years; provided further, that at the general election of State and county officers in November, 1918, and biennially thereafter, a member or members shall be elected for terms of six years to succeed those whose term or terms of office shall expire at that time; provided that any member of the board of education shall hold office until a successor has been elected and qualified.

Sec. 4. That the county board of education of each of the several counties, elected as herein provided, shall meet in the office of the county superintendent of education of the county within ten days after the election of such board or any member thereof, qualify and organize by electing one of its members president. The president shall be entitled to vote on all questions. The county superintendent of education shall be the secretary and executive officer of the board and shall attend all meetings of the same, but he shall not have the right of a vote in the board.

Sec. 5. That the county boards of education shall have entire control of the public schools, unless otherwise provided by law, within their respective counties. They shall make rules and regulations for the government of the schools, see that the teachers perform their duties, and exercise such powers consistent with the law as in their judgment will best subserve the cause of education. The board shall have the right to acquire, purchase, by the institution of condemnation proceedings if necessary, lease, receive, hold, transmit, and convey the title to real and personal property for school purposes, except where otherwise provided, by and in the name of the county board of education, to sue and contract, all contracts to be made after resolutions adopted by the board and spread on its minutes and signed by its president. All process shall be executed by service on the executive officer of the board.

Sec. 6. In addition to the duties hereinbefore prescribed, the county boards of education shall perform the following duties: (1) Select a county superintendent of education, prescribe his duties in addition to those required by law, and the amount of his salary; provided, that no member of a county board of education shall be eligible for election as county superintendent of education during the term for which he was elected as a member of the board of education. (2) Elect a county treasurer of public school funds. (3) Elect to hold

office until the next regular election as provided under this act, the successor to any member of the county board of education whose place may have become vacant by death, resignation, or other cause; provided, that in case the county board fails for a period of thirty days to fill said vacancy, the State superintendent of education shall have authority to appoint a member to fill the same. At the next general election held in November, a successor shall be elected for the unexpired term as provided by section 2 of this act for the election of other members.

(4) Select upon the nomination of the county superintendent of education, assistant superintendents, supervisors and such office force as may be necessary, and fix their salaries. (5) Select teachers for the several schools of the county upon nomination of the county superintendent of education, fix their salaries, erect, repair, and furnish school houses, fix all wages of employees, determine all incidental expenses, and have entire control of the public school funds of the county, except as otherwise provided by law. (6) Fix the boundaries of school districts and locate schools with reference to convenience, efficiency, and economy. (7) Consolidate schools and provide for the transportation of pupils at public expense. (8) Upon the agreement of the boards of education of adjoining counties, authorize a child residing in one county to attend school in another county, and it shall be permitted to do so when the school in the other county is nearer than any school in its own county; upon the request of parents or guardians, a city board of education and a county board of education may make any just and equitable arrangement for the attendance of the children of the city at the schools of the county, and for the attendance of the children of the county at the schools of the city, and they shall do so when it can be done without injury to the schools of either the county or the city. (9) Control the public school funds as provided by law. (10) Appoint for every school in the county discreet, competent and reliable person or persons of mature years, not exceeding three in number, residing near to the schoolhouse, and having the respect and confidence of the people of the community, to serve as trustee or trustees of the school, to care for the property and to look after the general interests of the school, and to make to the county board of education, through the county superintendent of education, from time to time, reports of the progress and needs of the schools, and of the will and sentiment of the people in regard to the school; but such person or persons shall not be paid for such service out of the public school funds. (11) Enforce compul-

sory attendance as required by law. (12) Act as promptly as possible on cases of appeal by pupils suspended by teachers. (13) Dismiss county superintendents, assistant county superintendents, and teachers for incompetency, improper or immoral conduct, or inattention to duty, or whenever in their opinion the best interests of the school may require. (14) Select resident persons to enumerate the scholastic population of all children between the ages of seven and twenty-one years as provided by law, and to require that in enumerating the scholastic population, the name of the child, the name of the parent or guardian, the age of the child, the school to which it belongs and the distance to the nearest school, be recorded, and also the fact as to whether the child is able to read and write. White children and negro children shall be reported in separate lists, and in any town or city maintaining a public school system, the board of education of that incorporated city or town, is hereby empowered and required to enumerate the scholastic population of that city or town, as provided by law; and in addition to giving the name of the child, and the name of its parents or guardians, and stating whether the child can read and write, the name of the street and number of the house in which it resides shall be given.

Sec. 7. The members of the county board of education shall receive from the public school funds of the county their actual traveling and hotel expenses incurred in attending meetings of the board; provided that such expenditures shall be allowed for not more than twelve meetings in any one year. The members of the county board shall be paid in like manner as provided for the compensation paid to teachers; provided, that they shall not be required to hold State teachers' certificates. County superintendents shall be paid a minimum salary of \$1,000 a year after September 30, 1915, shall engage in no other form of remunerative work.

Sec. 8. All laws or parts of laws in conflict with the provisions of this act, except such as make provision for local taxation for school purposes, are hereby repealed, and in case any part of this law is declared unconstitutional, the parts not so declared unconstitutional shall remain in full force and effect as the law of the State.

Approved August 16, 1915.

No. 221.)

(S. 170—Lee.

AN ACT

To require private, denominational, and parochial schools to make school reports.

Be it enacted by the Legislature of Alabama:

1. That all private, denominational and parochial schools, or private, denominational and parochial institutions of any kind having a school in connection therewith, shall be required to report on uniform blanks furnished by the State superintendent of education, and at the time for making such reports, such statistics as relate to the number of pupils and instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property, and the general condition of the school.

2. All private, denominational or parochial schools offering instruction within the compulsory attendance ages shall keep all records and make all reports that may be required in any compulsory attendance law now in force or that may hereafter be enacted in the State of Alabama, and no pupil attending any private, denominational, or parochial school which fails to comply with the requirements of this act shall be considered to have met the legal requirements of such compulsory attendance law.

Approved August 16, 1915.

No. 230.)

(S. 719—Hill.

AN ACT

To fix the compensation of the secretary of the Senate, assistant secretary of the Senate and Chief clerk in his office; the clerk of the House, assistant clerk of the House, and reading clerk of the House.

Be it enacted by the Legislature of Alabama:

Section 1. That the secretary of the Senate shall receive ten dollars per day, the assistant secretary of the Senate shall receive eight dollars per day, and the chief clerk in his office shall receive eight dollars per day; the clerk of the House shall receive ten dollars per day, the assistant clerk of the House shall receive eight dollars per day, and the reading clerk of the House shall receive eight dollars per day.

Sec. 2. That this act shall become effective immediately after its passage, and approval by the Governor.

Sec. 3. That all laws, and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved August 16, 1915.

No. 231.)

(S. 667—Judge.

AN ACT

To fix the time of electing the successor to the commissioner whose term of office expires during the year 1915, in all cities having a population of one hundred thousand or over according to the last or any subsequent Federal census.

Section 1. *Be it enacted by the Legislature of Alabama,* That in all cities of the State of Alabama having a population of one hundred thousand or over according to the last or any subsequent Federal census that the successor to the commissioner whose term of office expires during the year 1915 shall be elected at an election to be held on the second Monday in October, 1915.

Sec. 2. That all laws in conflict with this act are hereby repealed.

Sec. 3. This act shall take effect immediately after its passage.

Approved August 16, 1915.

No. 234.

(H. 1024—Fite of Tuscaloosa.

AN ACT

To authorize the board of trustees of the University of Alabama to invest the endowment fund of that institution, in whole or in part, in approved real estate securities.

Be it enacted by the Legislature of Alabama:

Section 1. That the board of trustees of the University of Alabama is authorized in its discretion, to invest the endowment fund of that institution, in whole or in part, as it may from time to time determine, in approved real estate securities. Provided, That the funds of the University shall not be invested

in any mortgage, except it be a first lien on a fee simple title and not for a greater sum than the land is assessed for taxation, nor than sixty per cent of its real cash value.

Sec. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved August 16, 1915.

No. 237.)

(H. 868—Smith of Crenshaw.

AN ACT

To require the accurate keeping and safe preservation of all books, papers and documents of public officers and servants, and to provide the punishment for failure to comply with the terms of this act.

Be it enacted by the Legislature of Alabama:

1. That it is hereby made the duty of all public officers and servants to correctly make and accurately keep in and for their respective offices, or places of business all such books, or sets of books, documents, files, papers, letters and copies of letters, as at all times to afford full and detailed information in reference to the activities or business required to be done or carried on by such officer or servant, and from which the actual status and condition of such activities and business can be ascertained without extraneous information; and all of the books, documents, files, papers, letters, and copies of letters so made and kept, shall be carefully protected and safely preserved, and guarded from mutilation, loss or destruction.

2. That the books, documents and files shall be uniform in size and general style of make up and binding throughout the several State offices and departments, and in their manufacture the best grades of paper, inks and binding shall be employed; and only papers, inks, typewriter ribbons, carbon papers, and ink pads of a permanent and non destructible character shall be used in any of such offices or departments. In contracting for the record books, letter heads or other writing papers, follow sheets, inks, typewriter ribbons, carbon papers and stamp pads, the secretary of State or other officer, officers or agents charged with the selection or purchase thereof, are hereby directed to require substantial uniformity as above provided, and to select only such books or other materials as conform to the require-

ments herein specified, to the end that all State, county and institutional records may be lasting and permanent.

3. That it is hereby made the duty of all public officers and servants of the State whenever any book, paper or document pertaining to the affairs, business or transactions of their office, has ceased to be current, to deliver the same together with a list of such books, papers and documents, to the director of the department of archives and history, receiving in return therefor a receipt from such director which shall also contain a list of such books, papers and documents; and that all such books, papers and documents of officers and servants of counties and cities shall be, when they cease to be current, in like manner delivered to the probate judge of such county, and to the mayor, president of the city commission or other executive officer of the city, and in like manner, such officer to whom such books, papers and documents are delivered shall give his receipt therefor.

4. That all public officers and servants of this State are hereby required to turn over to their successor in office, together with a list thereof, all current books, papers and documents pertaining to the business, affairs or transactions of their office, taking a receipt therefor, which said receipt shall also contain a list of all such books, papers and documents.

5. That it is hereby made a misdemeanor for any public officer or servant to violate or fail to comply with any of the provisions of this act, and any such person violating any of the provisions of this act may, upon conviction, be fined not exceeding five hundred dollars, and may also be sentenced to hard labor for the county for not exceeding six months, at the discretion of the court or jury trying the case.

6. That any officer or servant violating any of the provisions of this act, if such violation is of such a nature as to render it impossible or impracticable to ascertain the correct status of the business, affairs or finances of his office without extraneous evidence, such a violation shall constitute a felony and, upon conviction therefor, such officers or servant shall be punished by imprisonment in the penitentiary of this State for not less than two nor more than ten years.

7. That a public officer or servant, as used in this act, is intended to and shall include, in addition to the ordinary public offices, departments, commissions, bureaus and boards of the State, and the public officers and servants of counties, cities and towns, all persons whatsoever occupying positions in State institutions.

8. That all laws and parts of laws in conflict with any provision of this act are hereby expressly repealed.

Approved August 20, 1915.

No. 240.)

(H. 930—Fite of Marion.

AN ACT

To submit to the qualified electors of the State, at the general election to be held on the first Tuesday after the first Monday of November, 1916, for their consideration, an amendment to the Constitution of Alabama repealing and striking out of the Constitution section 250 of article 13, which section is as follows: "Holders of bank notes, and depositors who have not stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to preference of payment over all other creditors, provided this section shall apply to all banks, whether incorporated or not."

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz.: That the Constitution of Alabama be and the same is hereby amended by repealing and striking out of the Constitution section 250 of article 13 of the Constitution, which section is as follows: "Holders of bank notes, and depositors who have not stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to preference of payment over all other creditors; provided, this section shall apply to all banks, whether incorporated or not."

Sec. 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the general election in November, 1916, of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration together with the proposed amendment.

Sec. 3. That at the general election in November, 1916, an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz.: Shall the Constitution of Alabama be amended by repealing and striking out of the Constitution section 250 of article 13, which section is as follows: "Holders of bank notes, and depositors who have not

stipulated for interest, shall, for such notes and deposits, be entitled in case of insolvency, to preference of payment over all other creditors; provided, this section shall apply to all banks whether incorporated or not." Following the proposed amendment on the ballots shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the electors shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Sec. 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated, and the returns thereof be made to the secretary of State and counted in the same manner as in elections for representatives to the Legislature. The result of said election shall be made known by proclamation of the Governor, and if a majority of the qualified electors who voted at such election upon the proposed amendment voted "Yes," said amendment from the date of said proclamation shall be valid to all intents and purposes as a part of the Constitution of Alabama, and said section 250 of article 13 of the Constitution of Alabama shall thereupon be held and deemed repealed and stricken out of the Constitution of Alabama.

Approved August 20, 1915.

No. 243.)

(H. 224—Chamberlain.

AN ACT

To provide for the location, acquirement, ownership and operation by cities in Alabama which lie upon the navigable waters of the State of Alabama and which have, or which may hereafter have, a population of as many as fifty thousand and less than one hundred thousand, according to the last Federal census or any other Federal census which may hereafter be taken, of water terminals and other structures needful for the convenient use of same in aid of commerce: and to provide, insofar as appurtenant to said water terminals and structures, for the establishing and collecting of charges for service, for the exercise of eminent domain, for the issuance of bonds and for the holding of elections to decide whether or not bonds shall be issued.

Be it enacted by the Legislature of Alabama as follows:

Section 1. All cities of the State of Alabama which have a population of as many as fifty thousand and less than one

hundred thousand according to the last Federal census or which shall thereafter have such population, according to any Federal census that may be taken hereafter, and which lie upon the navigable waters of the State of Alabama shall have the power and authority within the corporate limits of such cities, and within the adjoining territory which lies within five miles of the corporate limits of such cities to locate, install, acquire, create, own, maintain, equip, use, control and operate wharves, piers, docks, quays, warehouses and other water terminals and other structures needful for the convenient use of same in the aid of commerce, including the dredging of approaches thereto. All such structures are to be subject to such lines and limitations as may be now, or hereafter at any time, laid or placed by any authority of the United States or of the State of Alabama for control of harbor and pier lines.

Sec. 2. Such cities shall have the right to establish and collect suitable charges for the use of the properties and facilities, owned or operated by such cities under section 1 hereof.

Sec. 3. For the acquiring of the property or riparian rights necessary for the construction of said wharves, piers, docks, quays, warehouses and other water terminals and other structures for the convenient use of same in the aid of commerce, authorized to be constructed under the provisions of this act, such cities shall have the right of purchase and of eminent domain and should they elect to exercise the right of eminent domain they may proceed in the manner provided by the general laws of the State of Alabama, for procedure by any county, municipality or corporation organized under the laws of this State, or any person or association of persons proposing to take lands or to acquire an interest or easement therein, for any uses for which private property may be taken.

Sec. 4. That such cities may issue bonds for the purpose of paying the purchase money and cost of construction of property purchased or constructed under the authority contained herein and may order elections to be held in such cities for the purpose of the qualified electors of such municipalities voting upon and deciding the question of whether or not the bonds of such municipalities shall be issued for such purposes, but no second election for this purpose shall be held within two years of an election theretofore held for the same purpose. Such elections shall be conducted in the following manner, to-wit: Notice of such election shall be given for thirty days by publication in a newspaper published in the municipality in which such election is to be held, once a week for three successive

weeks, which notice shall state the purpose for which the election is to be held, and the time and place of holding same, the amount of the proposed bond issue, the rate of interest the bonds are to bear, the time for which they are to run, and the purpose for which the bonds are to be issued, and such notice shall be signed by the mayor or other chief executive of such municipality in which such election is to be held, and if no newspaper is published therein such notice must be posted in five public places in said municipality at least thirty days before the time of holding said election. The ballot used at such elections must be prepared by the mayor or other chief executive officer, and shall contain the words "For.....bond issue," and "Against.....bond issue" (the character of the bonds to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before and after the one or the other. The board of commissioners or other governing body of such municipality in which an election under this section is to be held shall appoint three managers and one returning officer for each voting precinct for such municipality, to conduct said election, and in appointing such managers, as far as practicable, at least one manager at each voting precinct shall be for bond issue and one against bond issue. The chief executive officer of such municipality shall notify the managers and returning officers of such appointments, and shall deliver the boxes and ballots to the managers at the several voting precincts in the municipality. All expenses for holding such election shall be paid out of the treasury of the municipality in which the same is held, and the managers, clerks, and returning officers shall be entitled to the same compensation as managers, clerks and returning officers at other municipal elections. The board of commissioners or other governing body of the municipality in which an election is held under this section shall constitute a board to canvass the returns and declare the result of such an election and it shall meet at the usual place of meeting on the day after the date of holding such election, and canvass the returns and declare the result thereof. Any election held under the provisions of this section can be contested by any qualified elector of the city by executing a bond with sufficient sureties, to be approved by the judge of probate of the county, for the payment of the costs of the contest. Notice of the contest shall be served on the mayor of the city, or other chief executive, in which such election was held, upon the execution of the bond for costs, with sufficient sureties and its approval by the judge of probate of

the county, and the city shall be made contestee, and an answer shall be filed in the name of such city. All provisions and incidents of the election law of this State relating to a contest of an election of justice of the peace shall be observed as to the contest of an election held hereunder, but no contest of an election can be instituted after the expiration of ten days from the date of the canvass of the returns of said election. The record of the result of the election held under the provisions of this section, as returned by the board of canvassers shall be recorded in the minutes of such municipality in which the same is held, and when so recorded, the records shall be conclusive evidence of the matters therein stated, and the validity of such elections, unless contested as provided hereinbefore. If at an election held under and according to the provisions of this section a majority of the qualified electors voting at such election of the municipality in which the election is held vote "For bond issue," the board of commissioners or other governing body of the municipality in which such election is held shall issue the bonds of such municipality in the amount and for the purposes mentioned in the notice of said election.

Sec. 5. All bonds and interest coupons attach—to the same, issued under the authority of this act shall be exempt from State, county and municipal taxation, and the same shall have all the property and protection of commercial paper.

Sec. 6. The denomination of the bonds, the time for which the same shall run, the place of payment, and the rate of interest to be paid on the same shall be fixed by the governing body of the municipality issuing the same, but no bonds issued under the provisions of this act shall bear a greater rate of interest than five per cent per annum and the same shall not be sold for less than face value.

Sec. 7. All bonds issued under the authority of this act shall be signed by the chief executive officer and countersigned by the treasurer of the municipality issuing the same, and the official seal of the municipality shall be impressed upon or affixed to the same.

Sec. 8. All bonds so issued shall have attached to the same, interest coupons, which shall bear the signature of the chief executive officer and the treasurer of the municipality issuing the same, but their said signatures may be printed or lithographed facsimiles.

Sec. 9. No irregularity in the proceedings to authorize the issue of bonds under this act nor the omission or neglect of any officer charged with executing any of the duties imposed by

this act, shall affect the validity of any bonds issued under the authority of this act.

Approved August 24, 1915.

No. 250.)

(S. 700—Lewis.

AN ACT

To amend section 5838 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That section 5838 of the Code of Alabama be, and the same is, hereby amended so as to read as follows: 5838. The court of county commissioners or courts of like jurisdiction may accept a money compensation to be fixed by them not to exceed ten dollars (\$10.00) per capita, per annum from those liable for road duty in lieu of the labor required by law on public roads, provided that in counties of a population of thirty-five thousand (35,000) as shown by the last Federal census the amount in lieu of labor shall not exceed five dollars (\$5.00). Said money to go into the road fund of said county and to be appropriated exclusively to the public roads in the precinct or beat from which the money was collected. No contract under this article shall be let to any State, county or municipal officer or to any firm or corporation in which such officer is interested.

Approved August 20, 1915.

No. 257.)

(S. 562—Judge.

AN ACT

To further provide for the organization, government and regulation of cities which now have or which may hereafter have a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken, and to further provide for and define the rights, powers, duties, procedure, jurisdiction and authority of such cities and of the officers, courts, and bodies thereof, and of the State and county officers, courts, bodies, boards and funds in relation to such cities and the officers and affairs thereof, and to prescribe penalties for the violation of this act.

Be it enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall refer to and apply only to cities which now have or which may hereafter have

a population of as much as one hundred thousand people according to the last Federal census, or any such census which may hereafter be taken.

Sec. 2. A majority of the members of the board of commissioners or other governing body of such cities shall constitute a quorum but any meeting of such board or governing body may be adjourned from time to time by any number less than a quorum and the attendance of absent members enforced. It shall not be necessary to reduce to writing any motion made at any meeting of such board or governing body, but all such motions shall be spread on the minutes of such meetings. Any matter which may be acted on at any regular meeting of such board or governing body may be acted on at any special or called meeting by unanimous consent of all the members of such board or governing body present at such meeting.

Sec. 3. Each such city shall have full and continuing power and authority to establish, purchase, build, erect, own, maintain and operate waterworks, gas and electric light plants and works, telephone systems and other public utilities; and when so maintaining or operating any such public utility, to furnish service therefrom to any persons, corporations or municipalities in surrounding territory, and to charge such persons, corporations and municipalities for such service at rates to be fixed by contract or otherwise, by such city furnishing such service, which rates need not be in conformity with the rates and classifications in such city; to regulate the manner of and rates for furnishing gas, electricity, telephone service, steam heat and street car transportation and the service of other public utilities furnished in such city, or in the police jurisdiction thereof by any person or corporation, together with the character of such service; and to prescribe and regulate the quality and manner of furnishing gas, electricity, telephone service, steam heat, transportation, or other service of public utilities so furnished. The powers hereby granted shall include the right to establish or build and maintain such plants or parts thereof anywhere outside the limits of such cities, and to acquire by condemnation any property needed for any such purposes. Provided, however, that nothing in this section shall be construed to authorize any invalidation of existing contracts.

Sec. 4. Where any such city has already, or which may hereafter by alteration or rearrangement of its boundary lines or otherwise absorbed or included within its limits, any other city or town which owned, or which may own any water works, gas, or electric light systems, or other public utility, such city

so altering or rearranging its boundary lines, or otherwise absorbing or including such other town or city may take charge of and operate said water works, gas or electric light systems or other public utility, and make and prescribe rules and regulations governing the use of such plants and the water, gas, electricity or other service supplied thereby, and make charge for such use and for service without regard to the rules and regulations and charges previously in effect in the absorbed city or town. The operation of such public utility may be discontinued if in the opinion of the governing body of such city it should be deemed to the interest of such city so to do.

Sec. 5. Such cities shall have full power and authority to establish, erect, maintain, repair, rebuild, enlarge, extend, operate, provide for and regulate public auditoriums and other buildings or places for public meetings or other public buildings.

Sec. 6. Such cities shall have full, complete, unlimited and continuous power and authority, from time to time, to adopt ordinances and regulations not inconsistent with the laws of the State and the Federal and State Constitutions to carry into effect or discharge the powers and duties conferred by law upon such cities, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, orders, comfort, and convenience of the inhabitants of the city, and to prevent and punish injuries and offenses to the public therein, and to prevent conflict and ill feeling between the races in such cities by making provisions for the use of separate blocks or parts of blocks for residences, places of abode, and places of assembly by the different races, and to prevent evasions and punish violations of the ordinances and resolutions of such cities, and to compel obedience thereto by fine not exceeding one hundred dollars and by imprisonment or hard labor not exceeding six months, one or both, and by revocation of licenses granted by such municipality upon conviction in the recorder's court for violation of any of said ordinances, provided, however, that this section shall not be construed to authorize the forfeiture of franchises granted by State laws or city ordinances without appropriate legal proceedings, and to the ends set out in this section the full, complete and unlimited police powers possessed by the State of Alabama are hereby delegated to such cities and towns as though specifically and in detail set out in this section, in so far as it is possible for the Legislature of Alabama under the Constitution of Alabama and of the United States to delegate such powers, it being expressly declared that nothing con-

tained therein shall be construed as a limitation of or restriction on the police powers heretofore or herein granted to such cities under general or special laws.

Sec. 7. Judicial notice of all ordinances, laws and by-laws of such cities shall be taken by the courts of the State.

Sec. 8. The governing body of any such city may provide at any time it may deem proper, for the revision and codification of its ordinances, by-laws, and permanent resolutions, or for the adoption of a code or codes by ordinance, such code or codes and the revisions or amendments thereof may relate to the whole system of city by-laws, ordinances and permanent resolutions, or may relate to that portion of such ordinances, by-laws and permanent resolutions which relate to, affect or purport to govern any particular subject or subjects or subdivisions of municipal legislation. The governing bodies of such cities shall have full power and authority to prescribe the manner in which said code or codes, revisions or amendments thereto, shall be made public, whether by proclamation of any officer or officers of said city by posting, or by publication, one or all, but it shall not be necessary unless so prescribed by the governing body for such code or codes, revisions or amendments thereto, to be published in a newspaper or newspapers. Nor shall it be necessary that such code or codes, revisions or amendments thereto, be spread at length upon the minutes. The governing body may pre prescribe that such code or codes, revisions or amendments thereto may be certified by and filed with the city clerk, or other corresponding officer, in lieu of spreading the same on the minutes; and the governing body may prescribe the manner in which copies of such code or codes, revisions or amendments thereto, may be officially certified for use by the inhabitants or by the courts.

Sec. 9. The publication of all ordinances, resolutions, proclamations and notices of such cities may be made and authenticated by the city clerk.

Sec. 10. Except as herein otherwise provided, all claims against such cities (except bonds and interest coupons, and claims under written contracts for the payment of money signed by the city) shall be filed with the city clerk or the city officer corresponding thereto, within one year from the accrual thereof to be by him presented to the governing body of such city or the same shall be barred; and no claim against such cities shall be sued on until ten days after a statement of same has been filed with the city clerk.

Sec. 11. All payments of money made to any such city or any officer or board thereof under mistake of law or fact upon

any irregular or illegal tax assessment, or any ordinance or resolution or any assessment for public improvements or for any such purpose whatever, shall only be recoverable if proceedings for such recovery shall be commenced within twelve months after such payment was made and after written claim filed within three months from the time such payment was made. Provided this shall not be construed to prohibit the governing body of such city from voluntarily paying such claim within two years from the time such money was so erroneously collected, provided, if in the opinion of the such governing body, the city has available funds which are not otherwise necessary to the proper administration of such city.

Sec. 12. No suit shall be brought or maintained nor shall any recovery be had against any such city on a claim for personal injury, or for neglect or wrongful injury to personal property, unless within ninety days from the receipt of such injury, a sworn statement be filed with the city clerk, or the city officer corresponding thereto, by the party injured, stating substantially the manner in which the injury was received and the day and time and place where the accident occurred, and the damage claimed, and stating with substantial accuracy the nature and character of the injury received and the street and house number where the party injured resides.

Sec. 13. No such city shall be liable in damages for personal injuries or damage to personal property by reason of any act or omission done or omitted in the exercise of its governmental functions or failure to exercise such functions, provided, however, this provision shall not be construed to prohibit or limit the recovery of damages for personal injuries arising out of defects in highways as now provided or allowed by law.

Sec. 15. That such cities shall have full power to condemn for any municipal or public purpose any land or interest therein by the exercise of the right of eminent domain in the manner now or hereafter provided by the general laws of Alabama for the condemnation of property for public use; and such condemnation may be had whether the land or interest therein sought to be condemned is already used for a public purpose or not. The condemnation under this section of any right of way or easement of any street, electric or other railroad shall be subject to the continued use of such rights of way or easements by such railroads in conjunction with the public rights and easements so acquired.

Sec. 16. That no dedication of any street, avenue, alley, or other public way in any such municipality shall be effective as

to the part thereof within such city, without the assent of the governing body of such city evidenced by any ordinance or resolution adopted by such governing body. A copy of such ordinance or resolution may be recorded in the office of the probate judge in the county in which the lands are situated with any map or plat showing the subdivision of the lands of any person, firm or corporation who desires to divide his lands into lots.

Sec. 17. That in all cases in which it is proposed by any person, firm or corporation to vacate or annul, either in whole or in part, any map or plat of lands which includes lands in any such city in order to effect the vacation of such map or plat, the assent of the governing body of such municipality must be procured evidenced by a resolution adopted by such governing body, a copy of which certified by the clerk or other corresponding officer of such city must be attached to, filed, and recorded with the written declaration of vacation.

Sec. 18. Such cities shall have the power to assess any municipal or county property for the costs of street improvements and sewers, and the costs of such improvements may be bonded as in the case of private property, where such assessments are made against county property, the city shall not have power to sell such county property to satisfy the assessments, but the claim therefor shall be a preferred claim against the general revenues of the county and may be collected by an action at law in the nature of an action of debt without the necessity of filing any itemized or verified claim.

Sec. 19. That where such cities shall hereafter pave or repave, improve or reimprove streets, alleys, avenues or other public ways in such manner as that in the opinion of the governing body thereof the construction of storm sewers and the necessary inlets or other appurtenances, any or all is reasonably necessary as a part of such improvement, such cities shall have the power to assess the entire cost of such storm sewers and appurtenances as a part of the said pavement or improvement in the same manner and against the same property assessed for the improvement of the said highway so paved, repaved, improved or reimproved, and it shall not be necessary for such cost of such storm sewers or appurtenances to be assessed against the area drained thereby; provided, however, the amount assessed against said abutting property as herein above authorized shall not exceed the increased value of such property by reason of the special benefits derived from such improvements.

Sec. 20. That at any meeting held for the purposes provided for in section 1364 of the Code of Alabama at which the govern-

ing body of such city or town shall meet to hear any objection or remonstrance that may be made to any public improvement, the cost of all or a portion of which it is proposed to assess against property abutting or drained by such improvement the manner of making the same or the character of the material to be used, or at a place and time to which the same may be adjourned all persons whose property may be affected by any proposed improvement in any such city may appear in person or by attorney or by petition, and object or protest against said improvement, the material used, the manner of making the same, the manner in which will affect their property, the grades of the said improvements, the failure of the governing body of such city to comply with the law providing for such improvements, and any other grounds of objection or protest, and the failure of any person whose property may be affected by the proposed improvements to so object or protest at such time, shall thereafter estop him, his heirs, personal representative privies and assigns, from objecting, defending or protesting against the said improvements in any manner or in any court by reason of any technical defect in the improvement ordinance or by reason of the manner of the passage of the same; provided, however, that he shall thereafter at the proper time, and as provided by law, have the right to object to the confirmation of the assessment to be levied on his property upon the grounds that the same is in excess of the increased value of such property by reason of the special benefits to be derived from such improvements. And the governing body of such city shall consider such objections and protests, if any, and may confirm, amend, modify or rescind the original order or resolution, but if objection to the proposed improvements be made by a majority in frontage of the property owners to be affected thereby, when the proposed improvements are to be assessed against the property fronting or abutting on a street, avenue or alley, or by a majority in area of the property owners, when the proposed improvements are to be assessed against the property comprising a sewerage, drainage or improvement district, the improvement shall not take place unless ordered by a two-thirds vote of those elected to the board or other governing body of such city.

Sec. 21. If, on hearing of any cause on appeal from the decision of the governing body of any such city in making any assessment against any property for public improvements, there should be no judgment rendered in favor of such city, or, if it shall appear that the property owner prior to any settling of the cause on appeal shall have tendered such city an amount equal

to or in excess of the judgment rendered in favor of such city, then the cost of such appeal shall be taxed by the court against such city otherwise, they shall be taxed and shall be chargeable against the property owner and said lot or land, in addition to other costs chargeable on such appeal, there shall be taxed as costs in each case the cost of making a transcript of the proceedings provided for in section 1392 of the Code which shall be charged at the rate of ten cents per one hundred words and shall be collected as other costs are collected for the benefit of such city.

Sec. 22. If there be a street, electric, or other railroad track or tracks on any street or highway in any such city improved or re-improved under article 26, chapter 32 of the Code of 1907 or under any general law of this State the cost of such improvement, except storm water and sanitary sewers, between the tracks and the rails of the tracks, and in case there are two or more tracks, the space between such tracks, and eighteen inches on each side of the tracks including switches and turnouts shall be paid by the owner of such railroad, and shall be assessed against and form a lien on said railroad, and the property connected therewith and in the event that storm water sewers are constructed which drain the streets or avenues or rights of way on which is a street, electric, or other railroad, whether the same be a continued or a separate stream, there shall be assessed against such railroad a fair and just proportion of the cost of construction of such sewer, to be determined by the governing body of such city, and such assessment shall be a lien like other assessments and may be collected in like manner, and upon the failure of the owner of the said street, electric, or other railroad to pay any such assessment levied as provided in this section, or to appeal from the levy of said assessment within twenty days after the same shall have been made final, or to promptly pay any amount adjudged to be due upon any appeal from the levy of said assessment, such city may collect the same with the interest provided by law by an action at law in the nature of an action of debt in which said city may obtain a personal judgment against such owner, and have execution and other process such as is proper in such actions; to enforce such judgment as may be obtained, or said city may enforce said lien in equity either by a sale of the whole of the right of way, property and franchises of said street, electric, or other railroad, or such part thereof as may be necessary to collect the said assessment, or by a receivership and the sequestration of the income or earnings, or both, of said street, electric or other railroad, and the

council may require the owners of such street railroad or other railroads to prepare or construct its tracks for the receipt of such pavings or other improvements in a manner satisfactory to the council. Such city may in like manner collect all assessments heretofore levied against the property of any such street, electric or other railroad for any such improvements under any improvement ordinance heretofore adopted.

Sec. 23. All liens now or hereafter acquired by such cities for public improvements under the general laws of this State shall continue until the same are paid or satisfied in full.

Sec. 24. Such cities may require that all buildings and structures therein be kept in a safe and tenantable condition or be removed, and they may provide for a condemnation of buildings and structures, or parts of buildings and structures, party walls and foundations when the same are unsafe, or are likely to become unsafe from any cause. And upon the failure of any person, firm or corporation whose duty it may be to remedy any unsafe, unsanitary or dangerous condition of any building or structure, or any appurtenances thereto or therein, or to remove the same upon such notice as may be prescribed by such city, then such city may proceed to remedy such conditions or remove such building or structure, or such part thereof as may be unsafe or is likely to become unsafe from any cause, and the expenses incurred in remedying such condition or in such removal shall be a debt due by the owner of the building to the city and may be collected by the city, and shall constitute a lien upon said property superior to all other liens except for taxes and assessments for local improvements, which lien may be enforced by any court having jurisdiction of any suit brought by the city to collect said debt or in the chancery court.

Sec. 25. That the prosecutions of all offenses arising out of the violation of ordinances, resolutions and by-laws of any such city, and of all misdemeanors before the recorder's courts of any such city may be commenced at any time within twelve months next after the commission thereof.

Sec. 26. That if in the county in which any such city is situated, there is a court of general jurisdiction of criminal matters exclusively, to which appeal may be taken by law, all appeals taken, both by such city and by defendants, from the recorder's courts of such city shall be taken to said court and not to the circuit court.

Sec. 27. In all such appeal cases if the defendant fails to appear in the court to which an appeal was taken when the case is called for trial, unless good cause is shown to the court for his

absence or default, the court shall enter up a judgment of forfeiture on his appeal bond against the defendant and his sureties, and the defendant and his sureties shall be liable to the same penalties, forfeitures and proceedings as on a forfeited bail bond taken by the court and a new warrant of arrest may issue from that court without any other authority therefor. Or, where any such forfeiture has been made final against the said defendant and his sureties or any of them, the said appeal may be dismissed by the court *ex mero motu* or upon motion of the solicitor or his assistant or of the city attorney or his assistant prosecuting such cause, upon which dismissal of such appeal, and by the fact of such dismissal of said appeal, the judgment of the recorder's court against the defendant shall become final and the clerk of such court to which such cause was appealed, must, in writing, notify the mayor or other chief executive or the chief of police of said city of the judgment of the court dismissing such appeal whereupon the defendant may be arrested as an escape and shall be punished in accordance with the original judgment of the recorder's court, and in case the defendant appears on such appeal and judgment is rendered against him, unless the fine and costs are presently paid, or a judgment confessed therefor in favor of the city or town by the defendant, with sureties in the same manner as provided for in convictions for violating the State laws, the said court to which said appeal was taken must remand the defendant to the city authorities for punishment, and the clerk of such court must in writing notify the mayor or other chief executive or the chief of police of said city of the judgment of such court trying such case and said notice shall accompany the defendant when he is delivered to the city authorities for punishment; but, if the judgment of said court is paid, the clerk of said court may receive such fine and costs and the defendant may be discharged, and such clerk must, under a penalty of five per centum per month for a failure to do so, pay said money to treasurer, or to the officer corresponding to the treasurer of the city, within thirty days after he received it. His bondsmen shall also be liable for said penalty, and the amount thereof with the money collected may be recovered on motion after three days' notice.

Sec. 28. Upon the conviction of the defendant in the court to which an appeal is taken from a judgment rendered in a recorder's court in such cities or upon the entering of a judgment of forfeiture against the defendant there shall be added to the other costs to be taxed against the defendant or against the defendant and his sureties in case a judgment of forfeiture is suf-

ferred to be entered, a city solicitor's fee of five dollars, to be paid to such cities in the same manner and under the same penalties as fines are paid.

Sec. 29. On all appeals from recorder's courts of such cities, when the same are tried by jury and where the jury shall impose a fine only upon the person convicted, the judge presiding shall be authorized in his discretion to impose additional punishment by way of imprisonment in the city jail, or other place of confinement, or hard labor for the city, as is or may be authorized by law or ordinance for such offense.

Sec. 30. From the judgment of any court to which appeal shall be taken, or which heretofore has been taken from any recorder's court in any such city, the city or the defendant in any case may appeal to the court of appeals of the State of Alabama and, on such appeals by any such city, no surety shall be required on the appeal bond but such bond executed in the name of the city by the mayor or president of the board of commissioners shall in all cases be sufficient.

Sec. 31. That any regularly authorized inspector of the health department of any such city in Alabama shall have the right to enter and shall have full access and ingress to and egress from any dairy in the State producing milk, cream, or other dairy products for sale or other distribution in such city, together with the premises surrounding and connected with said dairy for the purpose of inspecting and examining said dairy and said premises and for the purpose of inspecting, testing and examining for disease and injury the animals composing the dairy herd producing such dairy products, and shall have full power and authority to inspect and examine said premises and to inspect, test and examine the said animals for disease and injury.

Sec. 32. That if any animal in any such dairy herd is found to be injured or diseased in any manner which would cause its milk to be unwholesome or unfit for human consumption, such inspector may order the removal of such animal from the herd and the rejection of its milk until its recovery from such injury or disease and if the said dairy or the premises connected with or surrounding the same shall be found to be in such condition from filth, disease or other cause of contamination as to cause the dairy products produced by the said dairy to be unwholesome or the carriers or breeders of disease germs in unusual or dangerous quantities, such inspector may notify the owner, proprietor or manager to remedy the said condition and it shall be the duty of the owner, proprietor or manager of such dairy

thereupon immediately to remedy the same and if the owner, proprietor, or manager of said dairy shall deny access and ingress to and egress from such dairy and premises to any such inspector, or if he shall neglect, fail or refuse to remove any diseased or injured animal from any dairy herd after being instructed so to do by such inspector, or shall use any of the dairy products from such diseased or injured animal in the supply for sale or distribution of said dairy products in such city or town, or if he shall fail, neglect or refuse immediately to remedy any such unsanitary or disease breeding condition of such dairy, or premises upon such notice from such inspector, then, in either of said events, such owner, proprietor, or manager of such dairy shall be punished as provided by ordinance or resolution of such city or as hereinafter provided, and such city may exclude the products of such dairy from sale or distribution in such city during the existence of such condition.

Sec. 33. Whenever any such inspector shall find that any dairy animal in, connected with or associated with a dairy herd, used for the production of milk or other dairy products for sale or distribution in any manner in such city, is affected with tuberculosis, as determined by the tuberculin test (made with tuberculin manufactured by any reliable firm), or by physical diagnosis, such animal or animals shall be branded in a conspicuous place on the right side with the capital "T.B." not less than two inches in height. Such inspector shall have the right to re-inspect or reject any dairy cows or bovine animals of any kind as often as he may deem it necessary. It shall be the duty of such inspector to immediately notify the owner, proprietor or manager of such dairy either in person or in writing of the presence of such tuberculous animal or animals connected with or associated with his herd.

Sec. 34. It shall be the duty of the owner, proprietor or manager of such dairy, upon being notified by said inspector of the presence of such tuberculous cow or cows, to remove or to cause to be removed within twenty-four hours the same from his dairy herd to a public abattoir or slaughter-house, or if no such public abattoir or slaughter-house is convenient, to such other convenient place for slaughter as may be designated by the inspector where the said tuberculous cow or cows shall be immediately slaughtered, under the supervision of such inspector. A post-mortem examination shall be held by such inspector on all animals thus slaughtered and a record of the findings carefully made out, which record must be kept on file in the office of such inspector for at least twelve months thereafter. The

carcass or carcasses shall be disposed of as provided by the laws and ordinances of the said city. Nothing in this ordinance shall be construed to prevent the owner, proprietor or manager of any dairy herd from which animals have been condemned as herein before provided, from being present at the time and place of slaughter, and at the post-mortem examination, or from being represented by a reputable veterinarian, if he so elects, at his own expense.

Sec. 35. If the post-mortem examination fails to reveal any evidence of tuberculosis, the said city shall within sixty days thereafter pay to the owner, proprietor or manager of such dairy the reasonable value of such animals as are so wrongfully condemned and slaughtered less the amount received by the owner for the sale of the carcass and hide of the condemned and slaughtered animal. The value of such animals to be paid for shall be determined by an appraising board, composed of three members, to be selected as follows: one to be chosen by the said inspector, one to be chosen by the owner of the cow or his agent, and the third to be selected by the first two members. The decision of a majority of said appraising board as to the value of animals shall be binding on such city and on the owner of said animal, and shall be made in writing and signed by at least two members of said board in the presence of and before a notary public, and the same delivered to the chief inspector or the mayor or other chief executive of such city.

Sec. 36. Such city shall have the right through its officers aforesaid, to exclude all dairy products from said city and to confiscate and destroy all such products as are brought into or shipped into said city or town, after notice has been given that the products of such dairy are excluded, as provided herein.

Sec. 37. That it shall be unlawful for any person to interfere with, resist, hinder or prevent any such inspectors or to attempt to interfere with, resist, hinder or prevent such officer in the performance of the duties required of him in the enforcement of any provision of this act, or to fail, neglect or refuse to have any condemned animal slaughtered as herein provided. Any interference, resistance, hinderance or prevention of the said inspector shall be punished as provided by the laws or ordinances of the said city or town, or as hereinafter in this act provided. The word inspector as used herein shall include the chief inspector of any such city and all of his regularly authorized assistants. That any person, corporation or association violating any provisions of or contained in section 31 to 37 inclusive of this act shall be guilty of a misdemeanor and shall

upon conviction be fined not less than one hundred dollars nor more than five hundred dollars, and may also be sentenced to hard labor for the county for not exceeding three months.

Sec. 38. This act shall go into effect immediately on the approval of the same by the Governor. All laws and parts of laws, general and special, in so far as they may be in conflict with any provision of this act, shall be and the same are hereby expressly repealed, but such cities shall continue to have and exercise all rights, authority, powers and jurisdiction which they now have except as in this act otherwise expressly provided, it being the intention of this act to grant cumulative powers to such cities.

Sec. 39. That should any section or provision contained in this act be declared to be unconstitutional for any reason, it shall not affect the other sections or provisions of the act but the same shall remain in full force and effect.

Approved August 20, 1915.

No. 262.)

(H. 289—Chamberlain.

AN ACT

To provide for the acquirement, location, building, construction and operation by cities in Alabama which now have, or which may hereafter have a population of as many as fifty thousand and less than one hundred thousand according to the last Federal census or any other Federal census which may hereafter be taken, of terminal railroads, and as appurtenant thereto, of equipment for such terminal railroads and facilities for accumulating, storing and handling goods, wares and merchandise transported or to be transported over the same and to further provide insofar as appurtenant to said terminal railroads and facilities, for establishing and collecting charges for service, for the connection with or crossing of other railroads, for the laying of tracks in streets or roads, for the exercise of eminent domain, for the issuance of bonds, for the construction and maintenance of structures over lands of the State and for the holding of elections to decide whether or not bonds shall be issued.

Be it enacted by the Legislature of Alabama as follows:

Section 1. That all cities in the State of Alabama which have a population of as many as fifty thousand and less than one hundred thousand, according to the last Federal census or which shall hereafter have such population, according to any Federal census that may be taken hereafter (shall have the right within the corporate limits of such cities), and within the adjoining territory which lies within five miles of the corporate limits of such cities, to locate, install, build, acquire, own, main-

tain, control and operate a line or lines of terminal railroads, with necessary sidings, turnouts, spurs, branches, switches, yard tracks, bridges, trestles and causeways, and in connection therewith or appurtenant thereto, shall have the further right to install, build, acquire, own, maintain, control and use, any and every kind or character of motive power and conveyance or appliance necessary or proper to carry goods, wares and merchandise over, along or upon the tracks of such railroads, any plant or structure or machinery for accumulating, storing, handling, shaping, reducing in bulk or preparing for shipment, any goods, wares, and merchandise carried or to be carried over, along or upon such railroads.

Sec. 2. Such cities shall have the right to make and collect suitable charges for the performance of any services rendered under the authority given in section 1 hereof, all charges for transportation being subject to control by governmental authority in the same manner as ordinary common carrier railroads are regulated.

Sec. 3. Such cities shall have the right and authority with its terminal railroads, to connect with or cross any other railroad and to receive, deliver to and transport the freight, passengers and cars of common carrier railroads, as though it were an ordinary common carrier railroad.

Sec. 4. Such cities may cause the tracks of such terminal railroads to be laid upon any streets or roads which are now open or dedicated, or that may hereafter be opened or dedicated, within their respective corporate limits, and any bridge, trestle, causeway, or other structure necessary or proper to be constructed in order to enable any tracks, constructed under authority of this act, to reach any piers, docks, wharves, warehouses, quays or other public terminals, may be constructed and maintained perpetually over, or upon, any lands owned by the State of Alabama, provided the strip of State land so used shall not be more than one hundred and twenty-five feet in width, but all such bridges, trestles, causeways, or other structures when across or over navigable waters, or the shores thereof, shall be erected under such limitations or restrictions as may be now, or at any time, made or placed by any authority of the United States or of the State of Alabama, having control of harbor and pier lines, and so as not to infringe upon the riparian rights of any person, unless said rights shall have been acquired by purchase, condemnation or otherwise by such cities.

Sec. 5. For the acquiring of rights of way and property necessary for the construction of the railroads and structures au-

thorized under the first paragraph hereof to be constucted, such cities shall have the right and power of purchase and eminent domain and should they elect to exrcise the right of eminent domain they may proceed in the manner provided by the general laws of the State of Alabama for procedure by any county, municipality or corporation organized under the laws of this State, or any person or association of persons proposing to take lands or to acquire an interest or easement therein, for any uses for which private property may be taken.

Sec. 6. That such cities may issue bonds for the purpose of paying the purchase money and cost of construction of property purchased or constructed under the authority contained herein and may order elections to be held in such cities for the purpose of the qualified electors of such municipalities voting upon and deciding the question of whether or not the bonds of such municipalities shall be issued for such purposes, but no second election for this purpose shall be held within two years of an election theretofore held for the same purpose. Such elections shall be conducted in the following manner, to-wit: Notice of such election shall be given for thirty days by publication in a newspaper published in the municipality in which such election is to be held, once a week for three successive weeks, which notice shall state the purpose for which the election is to be held, and the time and place of holding same, the amount of the proposed bond issue, the rate of interest the bonds are to bear, the time for which they are to run, and the purpose for which the bonds are to be issued, and such notice shall be signed by the mayor or other chief executive of such municipality in which such election is to be held, and if no newspaper is published therein such notice must be posted in five public places in such municipality at least thirty days before the time of holding said election. The ballot used at such elections must be prepared by the mayor or other chief executive officer and shall contain the words "For.....bond issue," and "Against.....bond issue" (the character of the bonds to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before and after the one or the other. The board of commissioners or other governing body of such municipality in which an election under this section is to be held shall appoint three managers and one returning officer for each voting precinct for such municipality, to conduct said election, and in appointing such managers, as far as practicable, at least one manager at each voting precinct shall be for bond issue and one against bond issue. The chief executive officer of such municipality shall notify the managers

and returning officers of such appointments, and shall deliver the boxes and ballots to the managers at the several voting precincts in the municipality. All expenses for holding such election shall be paid out of the treasury of the municipality in which the same is held, and the managers, clerks, and returning officers shall be entitled to the same compensation as managers, clerks and returning officers at other municipal elections. The board of commissioners or other governing body of the municipality in which an election is held under this section shall constitute a board to canvass the returns and declare the result of such an election and it shall meet at the usual place of meeting on the day after the date of holding such election, and canvass the returns and declare the result thereof. Any election held under the provisions of this section can be contested by any qualified elector of the city by executing a bond with sufficient sureties, to be approved by the judge of probate of the county, for the payment of the costs of the contest. Notice of the contest shall be served on the mayor of the city, or other chief executive, in which such election was held, upon the execution of the bond for costs with sufficient sureties and its approval by the judge of probate of the county, and the city shall be made contestee, and an answer shall be filed in the name of such city. All provisions and incidents of the election law of this state relating to a contest of an election of justice of the peace shall be observed as to the contest of an election held hereunder, but no contest of an election can be instituted after the expiration of ten days from the date of the canvass of the returns of said election. The record of the result of the election held under the provisions of this section, as returned by the board of canvassers shall be recorded in the minutes of such municipality in which the same is held, and when so recorded, the records shall be conclusive evidence of the matters therein stated, and the validity of such elections, unless contested as provided hereinbefore. If at an election held under and according to the provisions of this section a majority of the qualified electors voting at such election of the municipality in which the election is held vote "For bond issue," the board of commissioners or other governing body of the municipality in which such election is held shall issue the bonds of such municipality in the amount and for the purposes mentioned in the notice of said election.

Sec. 7. All bonds and interest coupons attached to the same, issued under the authority of this act shall be exempt from State, county and municipal taxation, and the same shall have all the property and protection of commercial paper.

Sec. 8. The denomination of the bonds, the time for which the same shall run, the place of payment and the rate of interest to be paid on the same shall be fixed by the governing body of the municipality issuing the same, but no bonds issued under the provisions of this act shall bear a greater rate of interest than five per cent per annum and the same shall not be sold for less than face value.

Sec. 9. All bonds issued under the authority of this act shall be signed by the chief executive officer and countersigned by the treasurer of the municipality issuing the same, and the official seal of the municipality shall be impressed upon or affixed to the same.

Sec. 10. All bonds so issued shall have attached to the same, interest coupons, which shall bear the signature of the chief executive officer and the treasurer of the municipality issuing the same, but their said signatures may be printed or lithographed facimiles.

Sec. 11. No irregularity in the proceedings to authorize the issue of bonds under this act nor the omission or neglect of any officer charged with executing any of the duties imposed by this act, shall affect the validity of any bonds issued under the authority of this act.

Approved August 20, 1915.

No. 265.)

(H. 424—Chamberlain.

AN ACT

To amend section 4906 of the Code of Alabama.

Be it enacted by the Legislature of Alabama, That section 4906 of the Code be amended so as to read as follows: "4906 (2979) Duties and Powers; Deputy.—The harbor master shall, on the request of the owner, master, or consignee of any vessel arriving within the limits stated in this article, regulate and station such vessel. He shall not interfere with the selection by the master, owner, agent, or consignee of a vessel of a wharf, bulkhead or shore berth for the discharge or receipt of cargo or ballast where such wharves, bulkheads, or shore berths so selected are erected within the limits and in the manner of construction fixed by the Mobile River Commission, nor station such vessel at other berths than the one so selected by the mas-

ter, agent, owner, or consignee, unless the person or authority controlling such selected wharf prohibits its use for such purpose by the vessel. He may require persons in charge of vessels, made fast to a wharf or the shore, or lying in the stream, to adjust their spars so that they will not interfere with other vessels, or project over a street. He has authority, on the request of the owner, or his agent, of the wharf, bulkhead or shore berth at which a vessel is located, to determine how far and when persons in charge of vessels shall accommodate each other in their location, and authority to change their location, whether the said vessel is loading or discharging cargo, or not. He also has authority to determine when and under what circumstances vessels located in a slip or at a wharf, bulkhead or shore berth, whether the said vessel is taking on or discharging cargo, or not, shall be shifted so as to permit other vessels to leave or enter such wharf, bulkhead, shore berth or slip. But in case no request is made within a reasonable time by the owner, master, agent, or consignee, the harbor master shall have authority to locate vessels at proper places. The harbor master shall allow vessels to load in the stream above one mile creek, but shall have power to place such vessels so as to avoid undue interference with navigation and with other vessels while taking on cargo, lying at anchor. He shall not require vessels taking berths above one mile creek to occupy or make fast to shore berths against the wish of the officer or master controlling the vessel. It shall be the duty of the harbor master to cause to be printed from time to time, and to keep posted in his office, and in all ship-chandler's and ship-broker's offices, in the chamber of commerce, and in the cotton exchange, the laws and rules governing him and the harbor and river of Mobile. In case of sickness or temporary absence, the harbor master may appoint in his stead, pro tempore, one of the other wardens, or a deputy harbor master, who, while so acting, shall have all the powers of harbor master; but no such absence, except in case of sickness, shall extend beyond one week at any one time, unless leave therefor be first given him by the officers who are charged with the appointment."

Approved August 27, 1915.

No. 268.)

(H. 422—Chamberlain.

AN ACT

To amend section 4695 of the Code of Alabama, 1907.

Be it enacted by the Legislature of Alabama, That section 4695 of the Code of Alabama of 1907 be amended so as to read as follows: 4695. What provisions applicable, exception: The provisions of this Code relating to garnishments and proceedings therein, not contrary to the provisions of this article, and so far as applicable, shall apply to and govern in like cases triable before justices of the peace, provided that all garnishments in aid of pending suits instituted contrary to the provisions of sections 4648 of this Code, as amended, shall be null and void.

Approved August 24, 1915.

No. 273.)

(H. 390—Carmichael.

AN ACT

"To amend section 2995 of the Code."

Be it enacted by the Legislature of Alabama: That section 2995 of the Code be amended so as to read as follows: Section 1. The Alabama State Bar Association or the Central Council thereof has authority to institute and prosecute or cause to be instituted and prosecuted in the name of the State of Alabama the proceedings herein prescribed for the suspension or removal of an attorney. Provided, however, that when such proceedings are instituted by said Bar Association or its central council, no security for costs shall be required to be given, nor shall said association or the central council or the members thereof, be liable for costs if the proceedings instituted by it are not sustained.

Approved August 25, 1915.

No. 276.)

(H. 1222—Tunstall.

AN ACT

To appropriate the sum of one hundred thousand dollars annually, or so much thereof as may be necessary, to be used by the Governor in and about the payment of interest on State warrants, payment of which may be delayed on account of the lack of funds in the State treasury.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any funds in the State treasury, not otherwise appropriated, the sum of one hundred thousand dollars annually, or so much thereof as may be necessary, to be used by the Governor in and about the payment of interest on State warrants, payment of which may be or may have been delayed on account of the lack of funds in the State treasury.

Sec. 2. The auditor is hereby directed and authorized to draw his warrant or warrants on the treasurer of the State of Alabama in favor of such persons, banks or banking institutions, or trust companies as the Governor may direct for amounts not exceeding the total amount hereby appropriated annually, provided that no warrants shall be drawn under the provisions of this act, except for the payment of interest, and the Governor shall cause a statement to be filed with the auditor showing the items of each interest payment.

Approved August 21, 1915.

No. 278.)

(S. 409—Bonner.

AN ACT

To prohibit the holding of meetings in executive or secret session by the railroad commission of Alabama, the high school commission of Alabama, the State board of purchase, board of compromise of Alabama, State board of convict inspectors, State tax commission, any court of county commissioners or board of revenue, any city commission or municipal council, or any other body, board or commission in the State charged with the duty of disbursing any funds belonging to the State, county or municipality, except where some question involving the character or good name of a woman or man is involved; and to provide penalties for a violation of this act.

Be it enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any executive or secret session to be held by any of the following named boards, commissions or courts of Alabama, namely: The Railroad Commis-

sion of Alabama, the High School Commission of Alabama, the State Board of Purchase, Board of Compromise of Alabama, State Board of Convict Inspectors, State Tax Commission, any court of county commissioners or board of revenue, any city commission or municipal council, or any other body, board or commission in the State charged with the duty of disbursing any funds belonging to the State, county or municipality, except that executive or secret sessions may be held by any of the above named boards or commissions when the character or good name of a woman or man is involved.

Sec. 2. Any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than five hundred dollars. Any person who remains in attendance upon any meeting of any of the above named boards or bodies which is being held in secret or executive session shall be deemed guilty of violating the provisions of this act.

Sec. 3. This act shall take effect immediately upon its passage.

Became a law under section 125 of the Constitution.

No. 280.)

(S. 273—Green.

AN ACT

Authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts and fixing certain fees and the penalty for violations thereof.

Be it enacted by the Legislature of Alabama:

Section 1. Individuals, partnerships and corporations of this State, hereby designated subscribers, are hereby authorized to exchange reciprocal or inter-insurance contracts with each other, or with individuals, partnerships and corporations of other states and countries, providing indemnity among themselves from any loss which may be insured against under other provisions of the laws, excepting life insurance.

Sec. 2. Such contracts may be executed by an attorney, agent or other representative, herein designated attorney, duly authorized and acting for such subscribers. The office or offices of such attorney shall be maintained at such place or places as may be designated by the subscribers in the power of attorney.

Sec. 3. Such subscribers, so contracting among themselves, shall, through their attorney, file with the commissioner of in-

insurance a declaration verified by the oath of such attorney, or where such attorney is a corporation, by the oath of the chief officer thereof, setting forth: (a) The name or title of the office at which said subscribers propose to exchange such indemnity contracts. Said name or title shall not be so similar to any other name or title previously adopted by a similar organization, or by any insurance corporation or association, as in the opinion of the commissioner of insurance is calculated to result in confusion or deception. The office or offices through which such indemnity contracts shall be exchanged shall be classified as reciprocal or inter-insurance exchanges. (b) The kind or kinds of insurance to be effected or exchanged. (c) A copy of the form of policy contract or agreement under or by which such insurance is to be effected or exchanged. (d) A copy of the form of power of attorney or other authority of such attorney under which such insurance is to be effected or exchanged. (e) The location of the office or offices from which such contracts or agreements are to be issued. (f) That applications have been made for indemnity upon at least seventy-five separate risks, aggregating not less than one and one-half million dollars, as represented by executed contracts of bona fide applications to become concurrently effective, or, in case of liability or compensation insurance, covering a total pay roll of not less than one and one-half million dollars. (g) That there is on deposit with such attorney and available for the payment of losses a sum of not less than twenty-five thousand dollars.

Sec. 4. Concurrently with the filing of the declaration provided for by the terms of section three hereof, the attorney shall file with the commissioner of insurance an instrument in writing, executed by him for said subscribers, conditioned that, upon the issuance of certificate of authority provided for in section ten hereof, service of process may be had upon the commissioner of insurance in all suits in this State arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or inter-insurance contracts through such attorney. Three copies of such process shall be served, and the commissioner of insurance shall file one copy, forward one copy to said attorney, and return one copy with his admission of service.

Sec. 5. There shall be filed with the commissioner of insurance by such attorney, a statement under the oath of such attorney showing the maximum amount of indemnity upon any single risk, and such attorney shall, whenever and as often as the same shall be required, file with the commissioner of insur-

ance a statement verified by his oath to the effect that he has examined the commercial rating of such subscribers as shown by the reference book of a commercial agency having at least one hundred thousand subscribers, and that from such examination or from other information in his possession it appears that no subscriber has assumed on any single risk an amount greater than ten per cent. of the net worth of such subscriber.

Sec. 6. There shall at all times be maintained as a reserve a sum in cash or convertible securities equal to fifty per cent of the aggregate net annual deposits collected and credited to the accounts of the subscribers on policies having one year or less to run and pro rata on those for longer periods. For the purpose of said reserve, net annual deposits shall be construed to mean the advance payments of subscribers after deducting therefrom the amounts specifically provided in the subscribers' agreements, for expenses. Said sum shall at no time be less than twenty-five thousand dollars, and if at any time fifty per cent of the aggregate deposits so collected and credited shall not equal that amount, then the subscribers, or their attorney for them, shall make up any deficiency.

Sec. 7. Such attorney shall make an annual report to the commissioner of insurance for each calendar year, showing that the financial condition of affairs at the office where such contracts are issued is in accordance with the standards of solvency provided for herein, and shall furnish such additional information and reports as may be required to show the total premiums or deposits collected, the total losses paid, the total amounts returned to subscribers, and the amounts retained for expenses; provided, however, that such attorney shall not be required to furnish the names and addresses of any subscribers. The business affairs and assets of said reciprocal or inter-insurance exchanges, as shown at the office of the attorney thereof, shall be subject to examination by the commissioner of insurance.

Sec. 8. Any corporation now or hereafter organized under the laws of this State, shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incidental to the purposes for which such corporations are organized and as much granted as the rights and powers expressly conferred.

Sec. 9. Any attorney who shall, except for the purposes of applying for certificate of authority as herein provided, exchange any contracts of indemnity of the kind and character

specified in this act, or directly or indirectly solicit or negotiate any application for same, without first complying with the foregoing provisions, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subjected to a fine of not less than one hundred dollars nor more than one thousand dollars.

Sec. 10. Each attorney by whom or through whom are issued any policies of or contracts for indemnity of the character referred to in this act shall procure from the commissioner of insurance annually a certificate of authority, stating that all of the requirements of this act have been complied with, and upon such compliance and the payment of the fees required by this act, the commissioner of insurance shall issue such certificate of authority. The commissioner of insurance may revoke or suspend any certificate of authority issued hereunder in case of breach of any of the conditions imposed by this act after reasonable notice has been given said attorney, in writing, so that he may appear and show cause why action should not be taken. Any attorney who may have procured a certificate of authority hereunder may renew same annually thereafter provided, however, that any certificate of authority shall continue in full force and effect until the new certificate of authority be issued or specifically refused.

Sec. 11. Such attorney, in lieu of all other taxes, of whatever character, in this State, shall pay to the State with the filing of each annual report, as an annual license fee, the sum of fifty-one (\$51.00) dollars and one per cent of the gross premiums or deposits for the preceding calendar year, deducting all amounts returned to or paid to subscribers or credited to their accounts as savings.

Sec. 12. Except as herein provided no insurance law of this State shall apply to the exchange of such indemnity contracts unless they are specifically mentioned.

Approved August 25, 1915.

No. 287.)

(H. 1098—Carmichael.

AN ACT

To establish a legal holiday in Alabama, to be known as Fraternal Day.

Be it enacted by the Legislature of Alabama:

Section 1. That the second Thursday of October shall be deemed a holiday, and shall be known as "Fraternal Day."

Sec. 2. If any paper entitled to days of grace by the allowance thereof, or subject to protest, becomes due on a holiday, it must be taken as due on the next succeeding business day.

Approved August 28, 1915.

No. 299.)

S. 265—Hill.

AN ACT

To prohibit the obtaining of money, property, or thing of value, or the making, uttering or delivery of any check, draft, or order in payment of any obligation, with intent to defraud; to fix the punishment for the violation thereof, and to prescribe a rule of evidence in prosecutions thereunder.

Section 1. *Be it enacted by the Legislature of Alabama,* That any person who, with intent to defraud, shall obtain any money, merchandise, property, or thing of value, though no express representation is made in reference thereto, or who, with such intent, in the payment of any obligation, shall make, draw, utter or deliver any check, draft, or order for the payment of money, upon any bank, depository, person, firm or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has not sufficient funds in, or credit with such bank, depository, person, firm or corporation for the payment in full of such check, draft or order, upon its due presentation, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not more than one thousand dollars, and may also be sentenced to hard labor for the county for not longer than six months.

Sec. 2. That the making, drawing, uttering or delivery of any such check, draft or order, upon which payment is refused on due presentation, because of lack of funds, shall be deemed prima facie evidence of intent to defraud, within the meaning of section 1 of this act. The word "credit", as herein used, shall be construed to mean an arrangement or understanding with the bank, depository, person, firm or corporation for the payment of such check, draft or order. That upon the trial of any person charged with violating this act, the defendant shall be a competent witness to testify to his circumstances and intent when he drew the check or draft.

Approved August 31, 1915.

No. 300.)

(S. 563—Judge.

AN ACT

To regulate and restrict the expenditures made, or contracted to be made, by each city in the State of Alabama which now has, or which may hereafter have, a population of more than one hundred thousand, according to the last Federal census, or any such census which may hereafter be taken, and to provide for the impeachment and removal from office of each person, a member of the governing body of such city, who wilfully causes, abets or permits any unlawful expenditure to be made or contracts by such city.

Be it enacted by the Legislature of Alabama as follows:

Section 1. The governing body of each city in the State of Alabama which now has or which may hereafter have a population of more than one hundred thousand according to the last Federal census, or any such census which may hereafter be taken, shall, prior to or within thirty days after the commencement of each year, make up and adopt a budget of the estimated receipts and expenditures of the city for the year, and publish the same at least one time in some daily (or daily except Sunday) newspaper published in the city. The budget adopted and published may subsequently be revised or changed during the year by the governing body of the city, to conform to or meet the receipts or revenues of the city for the year.

Sec. 2. It shall be unlawful for the governing body of any city in the class described in section 1 of this act, to expend or contract in any year, any amount in excess of the revenue collected and estimated in good faith to be due and payable during that year into the treasury of the city. Any person who is a member of the governing board of the city of the class described in section 1 of this act, who wilfully violates any provision of this act, or wilfully causes, aids, abets or permits any expenditure to be made or contracted which is unlawful under any of the provisions of this act, may be impeached and removed from office as for "willful neglect of duty," in the same manner and in the same way and by the same procedure as is provided for the impeachment and removal from office of mayors and intendents of incorporated cities and towns in this State.

Sec. 3. Expenditures necessary in any year on account of epidemic or protection against epidemic, or on account of riot or unlawful assemblies or the threat thereof, or on account of any extraordinary emergency beyond the control of the governing body of the city and expenditures or obligations for local

improvements, the cost of which is to be assessed in whole or in part against the property benefitted thereby, and expenditures not exceeding one hundred thousand dollars in any one year, for betterments of a permanent nature, or acquisitions of property of a permanent nature, although not authorized by vote of the qualified voters of the city, and bonds issued or other obligations incurred which are authorized by the vote of the qualified voters of the city in pursuance of law, and the proceeds of the sale or pledge of such bonds or other obligations are excepted from the prohibitions of this act, and the proceeds of the sale or pledge of such bonds or other obligations shall not be counted as a part of the revenue of the city within the provisions of section 2 hereof.

Sec. 4. Debts contracted or obligations incurred in behalf of the city by its governing body shall be and shall be held to be the binding obligations of the city, though contracted or incurred in violation of the provisions of this act.

Sec. 5. The word years as used in this act means fiscal year as to each city now having or hereafter adopting a fiscal year, but the beginning of the fiscal year heretofore or hereafter adopted when once fixed shall not be thereafter changed. The word year as to all other cities means calendar year.

Approved August 28, 1915.

No. 301.)

(S. 153—Burns.

AN ACT

To prohibit the owners, managers, operators and employees of telegraph and telephone lines operated in this State from publishing or communicating in any way whatsoever, or causing or allowing to be communicated, the contents of any telegram or telephone message without consent of either the sender or receiver of the same.

Be it enacted by the Legislature of Alabama :

Section 1. That it shall be unlawful for the owners, managers, operators or employees of any telegraph or telephone lines operated in the State of Alabama to publish or communicate in any way whatsoever, or cause to allow to be communicated, the contents of any telegram or telephone message sent or received over said line or lines without the consent of either the sender or receiver of the same.

Sec. 2. Be it further enacted that any person who violates the provisions of this act shall be guilty of a misdemeanor and

on conviction shall be fined not less than twenty-five dollars nor more than one hundred and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months.

Sec. 3. Be it further enacted that justices of the peace and ex-officio justices of the peace shall have jurisdiction of all offenses committed under this act.

Sec. 3½. Provided that nothing contained herein shall apply when such information is called for by any writ or summons from any court.

Sec. 4. Be it further enacted that all laws and parts of laws in conflict with this act are hereby repealed.

Approved August 26, 1915.

No. 302.)

(S. 394—Judge.

AN ACT

To create an election commission for all cities of one hundred thousand population, or over, according to the last or any subsequent Federal census; to provide that the probate judge, sheriff and clerk of the circuit court of the county, within which such city or cities are located shall constitute such commission and to define the powers and duties of the same.

Section 1. *Be it enacted by the Legislature of Alabama,* That in all cities of the State of Alabama which have one hundred thousand population, or over, according to the last or any subsequent Federal census, the probate judge, sheriff and circuit clerk of the county within which such city or cities are located shall constitute an election commission for such city or cities.

Sec. 2. That it shall be the duty of the election commission to have charge of and hold all municipal elections, including bond elections, initiative, referendum and recall election, and election for the president of the commission and commissioners.

Sec. 3. The election commission shall appoint all election managers, clerks and returning officers, designate places for the holding of municipal elections, shall arrange and prepare the ballot, shall have charge of the registration of the city voters, shall decide as to the validity of all petitions necessary or incidental to elections, make such laws and regulations as may be necessary to prohibit illegal voting, shall canvass the vote and declare the results of elections and shall be custodian of the ballots after election until the time of filing contests

shall have passed, after which they shall destroy the ballots and it shall be the duty of the said commission to give notice of elections as required by law and to do and perform all acts relating to municipal elections, which are now or which may hereafter be vested by law in the governing bodies of such cities.

Sec. 4. That two members of such commission shall constitute a quorum and may exercise the powers and duties herein mentioned.

Sec. 4½. That the city clerk or secretary of the city commission shall act as secretary of the commission herein provided for.

Sec. 5. That the expenses of elections shall be paid out of the city treasury.

Sec. 6. That this act shall go into effect immediately after its passage.

Approved August 27, 1915.

No. 303.)

(H. 35—John.

AN ACT

To amend section 6957 of the Code of Alabama.

Be it enacted by the Legislature of Alabama: That section 6957 of the Code of Alabama be amended so as to read as follows: 6957. English and European house sparrows, Cooper's hawks, chicken hawks and all members of the hawk family, owls, buzzards and crows are not protected by the game laws of this State and may be killed by anybody at any time or place.

Approved August 26, 1915.

No. 304.)

(H. 306—Sorrell.

AN ACT

To prohibit county boards of education, county superintendents of education, school trustees, or teachers, from excluding any pupil from a school whose teacher is qualified to teach the pupil who is qualified to attend a high school within three miles of the pupil.

Be it enacted by the Legislature of Alabama, That it shall be unlawful for any county school board, any county superintendent of education, or any school trustees, or teacher, to ex-

clude any pupil who is qualified to take any course of study which the teacher is qualified to teach, when the pupil lives more than three miles from a high school. The provisions of this act shall not apply to schools in incorporated cities and towns, which maintain public high schools, and the course of study as contemplated in this act shall not extend beyond the four year high school course, provided that any pupil admitted to any school under the provisions of this act shall pay a reasonable incidental fee before enrollment as may be required of other pupils in school in accordance with the law.

Approved August 26, 1915.

No. 307.)

(H. 898—Welch.

AN ACT

To prohibit the buying or selling of patients by physicians or surgeons, or other persons, and to define what shall constitute the buying or selling of patients, and to fix the punishment for violation of this act.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That hereafter any physician or surgeon, or any other person, who carries, sends, or is in any manner instrumental in causing a patient to go to another physician or surgeon for a surgical operation, or advice as to, or treatment of, any physical or mental disease, injury or ailment, and receives therefor from such other physician or surgeon, or who has any agreement or understanding with such physician or surgeon to receive therefor, any compensation, favor, or thing of value whatsoever, from such physician or surgeon without the knowledge and consent of the patient, shall be guilty of selling a patient within the meaning of this act, and any physician or surgeon, or any other person, who knowingly receives any patient so carried, sent, or caused to go to him for a surgical operation, or advice as to, or treatment of any physical or mental disease, injury or ailment, under such an agreement, or who pays, or allows any compensation, favor, or thing of value whatsoever therefor to such physician or surgeon so sending or carrying such patient to him without the knowledge and consent of the patient, shall be guilty of buying a patient within the meaning of this act.

Sec. 2. That any person who buys or sells a patient within the meaning of this act, as defined in the next preceding sec-

tion hereof, shall be guilty of a misdemeanor, and, upon conviction, shall be fined for the first offense, not less than twenty-five dollars, nor more than five hundred dollars, and for the second, or any subsequent offense, shall be fined not less than five hundred dollars, nor more than one thousand dollars, and, may, also, at the discretion of the court or jury trying the case, be imprisoned in the penitentiary for not less than one nor more than five years; and, in addition thereto, his license to practice medicine or surgery in this State shall be by the court trying the case cancelled and annulled, and it shall ever thereafter be unlawful for such person to practice medicine or surgery in this State.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act, whether local, special, or general, are hereby repealed.

Approved August 28, 1915.

No. 308)

(H. 970—Smith of Crenshaw.

AN ACT

To make an appropriation of three thousand dollars to defray the extraordinary expenses of the legislative investigating committee.

Be it enacted by the Legislature of Alabama:

1. That the sum of three thousand dollars, or so much as may be necessary, be and the same is hereby appropriated to defray the extraordinary expenses incurred by the Legislative Investigating Committee during its recess sessions.

2. That the amounts advanced by the Governor from his contingent fund in payment of sundry expenses of the committee, shall be reimbursed to such fund out of the moneys hereby appropriated, and when received by the State auditor shall be placed to the credit of that fund, as if no part thereof had been drawn.

3. That the chairman of the committee is hereby authorized and directed to draw the amount appropriated, in such sums as may be necessary to defray the expenses, all warrants to be drawn in favor of the persons to whom claims against the committee may be due.

4. The necessary expenses mentioned in this act shall include railroad fare and hotel bills actually expended by the members of said committee while away from home engaged in the work of said committee.

Approved August 28, 1915.

No. 310.)

(H. 1202—Weakley.

AN ACT

To appropriate the sum of three thousand (\$3,000.00) dollars, or so much thereof as may be necessary, for the purpose of paying the expenses of the joint recess committee on finance and taxation.

Be it enacted by the Legislature of Alabama :

Section 1. That there is hereby appropriated out of any monies in the State treasury not otherwise appropriated, the sum of three thousand (\$3,000.00) dollars, or so much thereof as may be necessary to pay the expenses of the joint recess committee on finance and taxation.

Sec. 2. That said sum of money, or so much thereof as may be necessary may be paid by the State treasurer, on the warrant of the auditor in one or more installments, approved by the chairman of the committee, and such warrants may be drawn in favor of the chairman of the committee, and such chairman shall file with the auditor vouchers for all monies expended by the committee equal in amount to warrants drawn under the provisions of this act. "The expenses mentioned in this act shall include railroad fare and hotel bills actually expended by the members of said committee while away from their respective homes engaged in the work of said committee."

Approved August 27, 1915.

No. 311.)

(S. 675—Holmes.

AN ACT

To define dentistry; to provide for the regulation of the practice thereof; to provide for the examination of applicants to practice dentistry in Alabama; to provide for the issuing of license certificates and the registration and display thereof; to provide for reports by probate judges of said registrations; to provide for the revoking or refusing to issue said certificates; to provide a board of dental examiners of Alabama, provide for their election and prescribe their duties, powers, qualifications, terms of office and compensation; to provide for the disposition of fees collected

by said board; to provide fees and funds for enforcing said act; to provide for enforcing said act; to allow the board of dental examiners of Alabama to enter into reciprocity agreements with like boards of other states; to provide penalties and punishment for the violation of the provisions of said act; to provide for any unconstitutionality of said act, and to repeal all general and local laws in conflict with said act.

Be it enacted by the Legislature of Alabama, as follows:

1. (A). That recognizing that dentistry is a specialty of medicine and surgery, therefore after the passage of this act any person shall be said to be practicing dentistry within the meaning of this act who uses the words "dentist" "dental surgeon," the letters "D. D. S.," or other letters or title in connection with his or her name which in any way represents him or her as engaged in the practice of dentistry, or shall advertise or permit to be advertised by sign, card, circular, hand bill, newspaper or otherwise, that he or she can or will attempt to perform operations of any kind; or shall diagnose, or treat, or profess to treat, any of the diseases or lesions of the oral cavity, teeth, gums, maxillary bones, or shall extract teeth, or shall prepare to fill cavities in human teeth, or shall correct malposition of the teeth or jaws, or shall supply artificial teeth, or shall administer anaesthetics, general or local, administer or prescribe such remedies, medicinal or otherwise as shall be needed in the treatment of dental and oral diseases, or do any practice included in the curricula of recognized, reputable dental colleges; provided, that nothing in this act shall interfere with the extraction of teeth without compensation, or the performance of mechanical work on inanimate objects only, by any person employed in or operating a dental laboratory, and, provided, that this act shall not prevent students from performing dental operations under the supervision of competent instructors within a dental school or college, or the dental department of a university or college, recognized by the Board of Dental Examiners of Alabama or from working under a preceptor during college vacation, only and under such rules and regulations as the Board of Dental Examiners of Alabama may prescribe.

(B) It shall be unlawful for any person to engage in the practice of this specialty, as either assistant or employee, or to receive any license required by law to practice this specialty, except he shall have passed the examinations provided for by this act, and received the certificates, as herein provided, and any person practicing this specialty in this State, without having received a certificate, as herein provided, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall

be fined not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250), for the first offense, and for the second offense a fine of not less than five hundred dollars (\$500) or imprisonment of from one to six months in jail, or both, in the discretion of the court.

(C) It shall be unlawful for any officer either State, county or municipal, to issue any license to practice this specialty to any person who does not show certificate from the Board of Dental Examiners of Alabama, provided, however, that nothing in this act shall be construed to prevent the extraction of teeth for compensation by legal practitioners of medicine.

2. That all persons now registered or licensed as dentists under the laws of the State of Alabama shall be entitled to continue in the practice of said profession unmolested by the provisions of this act.

3. Any person who shall hereafter desire a certificate to practice dentistry in this State shall file, or cause to be filed, with the Secretary-Treasurer of the Board of Dental Examiners of Alabama, an application in writing, in such form as may be required by said Board of Dental Examiners, and under oath, setting forth the name and age of the applicant, the school or college from which he or she graduated; and shall appear at such time and place as may be designated by the said Board of Dental Examiners and submit to an examination, both practical and theoretical, as to his or her qualifications for registration as a licensed dentist.

4. No person shall be registered as a dentist under the provisions of this act who is not twenty-one years of age, and of good moral character; nor until he or she shall present to the said Board of Dental Examiners of Alabama satisfactory evidence that he or she has graduated in dentistry, and shall pass a satisfactory examination before said Board of Dental Examiners of Alabama, which board shall have full power to determine what constitutes a reputable school or college of dentistry.

5. That is, upon examination and investigation, said Board of Dental Examiners of Alabama shall determine that the applicant possesses the necessary qualifications as to character and education as herein provided, they shall enroll his or her name upon a register to be kept by said board for the purpose, and issue to him or her a certificate, which said certificate, when recorded as herein provided for, shall entitle such person to practice dentistry in the State of Alabama.

6. That on and after the passage of this act, it shall be unlawful for said Board of Dental Examiners of Alabama to

grant a temporary certificate or permit to practice dentistry, or any of its branches, to any person, except that a person coming into this State at a time between the regular meetings of the board, who holds a permanent license or certificate as a dentist granted by any board of dental examiners within the United States, may be granted a permit to practice during the interim between the time of making application for a certificate and the time of the next meeting of the said board of dental examiners; provided that he or she shall have been a legal practitioner for five years in the State from which he or she comes, and provided he or she shall be recommended by the president and secretary of the board of dental examiners, and the president and secretary of the dental association, of the State from which he or she comes, and the board shall require from said applicant a fee of twenty-five dollars (\$25) for such temporary permit.

7. That the certificate herein provided for must be signed by the president of the board of dental examiners of Alabama and counter signed by the secretary-treasurer of said board, and must within thirty days after the granting thereof be filed and recorded in the office of the judge of probate of some county in the State, and shall be so filed in each county in which he or she shall practice or offer to practice, and after the same has been recorded, the judge of probate shall endorse thereon, and certify under the seal of the court, the fact of its record, and the time of its filing, and for which he is entitled to a fee of one dollar; provided that on the first day of October, after this act takes effect, or within ten days thereafter, the probate judge of each county shall furnish the board of dental examiners of Alabama, on blanks to be furnished by said board, a list of all licenses or certificates to practice dentistry registered therein; and shall annually thereafter on the first of October, or within ten days thereafter, furnish to said board a like list of all licenses or certificates registered since the last previous annual report.

8. That such license or certificate so recorded and certified shall be evidence of authority of the person therein named to practice dentistry.

9. The board of dental examiners may refuse to issue certificate or suspend or revoke the same for any of the following causes: 1. The presentation to the board of any diploma, license or certificate illegally or fraudulently obtained, or one obtained from an institution which is not reputable, or an unrecognized, or irregular institution or State board, or the practice of any fraud or deception. 2. The commission of a criminal

operation, or chronic and persistent inebriety or addiction to drugs to such extent as to render him unsafe or unreliable as a practitioner, or being guilty of gross immorality that would tend to bring reproach upon the dental profession of the State, or if the person holding such certificate shall advertise to practice without causing pain, or shall in any other manner advertise with a view of deceiving or defrauding the public, or advertise to use any drug, nostrum, patent or other proprietary drug or medicine of any unknown formula, or be guilty of any grossly unprofessional conduct likely to defraud or deceive the public, or which disqualifies the applicant or holder to practice with safety to the people, or who employs directly or indirectly any unregistered or unlicensed person to practice dentistry in his or her office. In all proceedings for a suspension or revocation of certificate or license, the holder thereof shall be given thirty days notice, to prepare for a hearing, and he shall be heard in person, or by counsel, or by both. All members of the board of dental examiners, separately and severally, shall have the power to administer oaths, in the hearing of all matters arising in the course of their duties, and in such trials as are herein referred to. The board of dental examiners of Alabama may take oral or written proofs for or against the complainant as it may deem will best present the facts. And for the purpose of such hearing the board of dental examiners of Alabama are hereby empowered and authorized to require the attendance of witnesses, administer oaths, and hear testimony, either oral or documentary, for and against the accused. In all cases of suspension or revocation of certificates as herein provided for, the holder may appeal to the circuit court, or other court of like jurisdiction, in the county in which the person whose certificate is ordered revoked resides.

10. That any certificate to practice dentistry obtained through fraud, or by any false or fraudulent representations or practice, shall be void; and every person who shall procure or attempt to procure, by false or fraudulent representations, such certificate, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars nor more than three hundred dollars, or by imprisonment of not less than one nor more than six months, or both.

11. That said board of dental examiners shall consist of five persons, who shall be members in good standing of the Alabama dental association, and not connected with or interested in any dental college or school, or dental supply business, and must have practiced dentistry in this State for a period of not

less than three years. Within fifteen days after the approval of this act the president of the Alabama dental association shall appoint a board of dental examiners, who shall hold office until the next annual meeting of the Alabama dental association. The Alabama dental association shall, at their next annual meeting elect from their membership five members, to-wit; one for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter the Alabama dental association shall elect annually one member of said board from its membership for a term of five years, provided that no elected member of said board shall succeed himself as a member thereof, except those elected or appointed for a period of less than five years may succeed themselves if elected; provided further that this act shall not be construed so as to prevent the election to the board of a member who may have previously served as a member thereof. The board of dental examiners appointed under this act shall within thirty days after their appointment hold an examination for certificates to practice dentistry or dental surgery in this State. That said board of dental examiners shall organize annually by the election of a president, and secretary-treasurer. Vacancies on said board of Dental examiners shall be filled by appointment by the president of the Alabama dental association, and such appointee shall hold office from the time of his appointment until the next annual meeting of the Alabama dental association, when his successor shall be elected to fill the unexpired term, provided that the term of office of a member elected to said board shall begin on the first day of August in the year in which he was elected. Each member of said board shall submit his questions to the other members of said board and they shall decide on each question as to whether or not it is fair and practical. Members of said board may be removed from office at any time, by the Alabama dental association for a cause which the majority of those members present may deem sufficient. Upon the failure of any member of said board to attend a meeting thereof, the members of said board present may appoint a substitute to temporarily fill the vacancy for that meeting, and for the continued failure or inability of a member of said board to attend two consecutive regular meetings thereof, the board may declare a vacancy.

12. That the board shall furnish each applicant with official examination blank paper, of uniform size, which size shall not vary but be kept uniform from year to year, and such official paper shall be paid for out of any funds received from fees paid by applicants. Before taking the examination each appli-

cant shall register his name and post office with such other facts as the board may require, and each applicant shall be given a number under which he shall be examined, which number shall appear on his papers, and his name shall not appear thereon. The date and place of the examination shall be endorsed on the register, which must be kept securely by the secretary of the board. That within ten days after the grading of papers, each member of the board shall forward all papers graded by him to the secretary, who shall, within thirty days after the examination has been completed, deposit the entire collection of examination papers, including questions and answers, with a separate list of the names of those taking each examination, and the numbers under which the examination was taken, with the Alabama State Department of Archives and History. The examination papers so filed shall be preserved for five years, and shall at all reasonable office hours be open to examination by any citizens of this State.

13. That it shall be the duty of each member of said board, after his election or appointment, and before entering upon the discharge of the duties of his office, to file with the secretary-treasurer of said board an oath to properly and faithfully discharge the duties of his office, which oath may be taken before any officer authorized to administer oaths in this State.

14. That annually said board of dental examiners of Alabama shall organize by the election of a president and secretary-treasurer, each of whom shall be members of said board, and shall hold their respective offices for a term of one year, and until their successors are elected and qualified; that the secretary-treasurer shall give bond in such sum as may be prescribed by said board, conditioned to discharge the duties of said office according to law, which bond shall be made payable to the said board of dental examiners of Alabama and approved by the president of said board. The said board shall hold an annual meeting at such time and place as they may designate for the examination of applicants for certificates and for the discharge of all such other business as may legally come before them; and may hold such additional meetings, on the call of the president, of said board, and the president shall call such meeting on petition of a majority of the members of said board, as may be necessary for the examination of applicants for certificates, or for carrying into effect the provisions of this act; and at these meetings said board may transact any and all business that may legally come before them.

15. Said board of dental examiners of Alabama shall have a common seal, and shall have the power and authority to adopt such rules, by-laws, and regulations, not inconsistent with the laws of this State, as may be necessary for the regulation of its proceedings, and for the discharge of the duties imposed upon it; and shall have power and authority to employ counsel to assist in the enforcement of the provisions of this act, and for such other purposes as may be deemed necessary by the said board. Said board shall keep a true and correct record of its proceedings and a register of all persons to whom certificates have been issued; and the books and register of said board, or a copy of any part thereof, duly certified by the secretary-treasurer of said board under seal, shall be received as evidence of the matters and things therein recorded and so certified in all courts of this State. A majority of said board shall constitute a quorum for the transaction of all business; and the members of said board shall have power and authority to administer oaths in all matters pertaining to the discharge of the duties imposed upon them under this act.

16. The secretary-treasurer of said board of dental examiners of Alabama shall receive such salary as may be prescribed by said board and his necessary expenses while engaged in the performance of his official duties; and each of the other members of said board shall receive the sum of five dollars (\$5.00) for each day actually employed in the discharge of their official duties and necessary expenses while so engaged. All fees collected by said board, or by the secretary-treasurer thereof, shall be placed to the credit of a fund which is hereby appropriated solely for the use of the said board of dental examiners in the execution and enforcement of the provisions of this act, and the payments of the salaries, expenses and other costs herein provided for; said moneys to be paid out upon warrants drawn by the secretary-treasurer and countersigned by the president of said board. Provided, that no part of said expense shall be paid out of the State treasury. The secretary-treasurer shall transact all ad interim business for the said board unless otherwise specified in this act.

17. In order to provide the means for carrying out and enforcing the provisions of this act, the said board of dental examiners of Alabama shall charge each person applying to it for examination for a certificate to practice dentistry or dental surgery in this State, an examination fee of twenty dollars, and in addition thereto a license fee of five dollars, for every license or duplicate license issued by said board. Should an appli-

cant for certificate fail to pass a satisfactory examination, he or she may take a re-examination at the next regular annual meeting of the said board at which time he or she shall be exempt from the payment of the examination fee. Provided this exemption shall not be construed to apply except at the next regular annual meeting of said board.

18. It shall be the duty of said board of dental examiners of Alabama to investigate all charges of violation of this act, or any other laws of this State regulating the practice of dentistry, brought to their knowledge; and wherever there has been a violation of said laws, or when advised by any legal member, of the profession that there has been a violation of the provisions of this act, or any of them, it shall be the duty of said board through its secretary-treasurer to report such violations to the circuit or county solicitor, or other prosecuting officer of the county in which such violation is alleged to have occurred, whose duty it shall be to prosecute for all violations of this act.

19. It shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under, or use the name of any company, association, corporation or business name, or under any name except his or her name; or to operate, manage or be employed in any room or rooms, or office, where dental work is done, or contracted for, that is operated under the name of any company, association, trade name, or corporation. Any person or persons practicing or offering to practice dentistry or dental surgery, shall practice under and use his or her name or their names, only.

20. The certificate to practice dentistry herein provided shall at all times be displayed in a conspicuous place in his or her office wherein he or she practices the profession of dentistry, and he or she shall, whenever requested, exhibit such certificate to any of the members of the board of dental examiners of Alabama or its authorized agent.

21. The board of dental examiners of Alabama may in its discretion issue a certificate to practice dentistry without examination, other than clinical, to a legal and ethical practitioner of dentistry who removes to Alabama from another state or territory of the United States, whose standard of requirement is equal to that of Alabama, and in which he or she has conducted a legal and ethical practice of dentistry for at least five years immediately preceding his or her removal, provided such applicant shall present a certificate from the dental board or a like board of the state or territory from which he or she re-

moves, certifying that he or she is a legal, competent and ethical dentist, and of good moral character; and provided further, that such certificate is presented to the board of dental examiners of Alabama with six months from the date of its issue, and that the board of such other state or territory shall permit in like manner by law the recognition of certificates issued by the board of dental examiners of Alabama when presented to such other board by legal practitioners of dentistry from this State who may wish to remove to a practice in such state or territory.

22. Any person who is a legal, ethical and competent practitioner of dentistry in the State of Alabama, and of good moral character, and known to the board of dental examiners of Alabama as such, who shall desire to change his or her residence to another state or territory, or foreign country, shall upon application to the said board of dental examiners of Alabama, receive a special certificate over the signature of the president and secretary-treasurer of said board and bearing its seal, which shall attest the facts above mentioned in section 20 and give the data upon which he or she was registered and licensed.

23. The fee for issuing a certificate to a legal practitioner from another state, as provided in section 20, shall be twenty-five dollars (\$25.00) and the fee for issuing a certificate to the legal practitioner in this State as provided in section 21, shall be five dollars (\$5.00), and in each case the fee shall be paid in cash before the certificate shall be issued.

24. The secretary-treasurer of said board of dental examiners of Alabama shall make an annual report to the Alabama dental association, containing an itemized statement of all moneys received and disbursed, and a summary of its official acts during the preceding year.

25. Any person violating any of the provisions of this act, not herein specifically provided for, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars nor more than five hundred dollars.

26. That the board of dental examiners of Alabama provided for by this act shall have the power and authority to transact all business left unfinished by the board superseded by the said board provided by this act, including the payment of all outstanding obligations.

27. If any section, or portion thereof, or any provision of this act, should be found and held to be unconstitutional, that fact shall not have the effect of rendering invalid or inoperative any other portion or provision of this act, which is not of itself and in itself unconstitutional.

28. All laws and parts of laws, general, special and local in conflict with the provisions of this act are hereby expressly repealed.

Approved August 31, 1915.

No. 313.)

(S. 202—Judge.

AN ACT

To amend section 1345 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

1. That section 1345 of the Code of Alabama of 1907 be amended so as to read as follows: 1345. License Designates Place of Business.—Any person desiring to engage in any trade, business, profession, or occupation for which a license is or may be required shall designate the place at which such trade or business, or occupation, or profession is carried on, and the license to be issued hereunder shall designate such place, and such license shall authorize the carrying on of such trade, business, occupation, or profession only at the place designated unless he shall be granted permission by the council to move his place of business, trade, occupation or profession to another place in the city, and in that event such permission shall be endorsed by the clerk on such license. The same license shall be charged and collected for all portions of the city or town. Provided however that in cities of one hundred thousand or more population according to the last Federal census the governing bodies may grade or classify licenses according to location of businesses or occupations engaged in. Provided however that nothing herein contained shall authorize the increase of any license tax of such municipal corporations, which is now or may hereafter be fixed by statute.

Approved August 27, 1915.

No. 314.)

(S. 193—Pride.

AN ACT

To require clerks of all courts from which an appeal lies to the Supreme, or Court of Appeals to make and keep on file an exact copy of the record certified to said Supreme, or Court of Appeals for which they shall be allowed as costs of appeal two dollars and fifty cents in said appeal.

Be it enacted by the Legislature of Alabama:

Section 1. That the clerks of all courts from which an appeal lies to the Supreme Court, or Court of Appeals, shall be required to make and keep on file in their office an exact copy of the record in all cases certified to said Supreme Court, or Court of Appeals for use by the parties to such cases. And such clerks shall be permitted to charge, to be taxed as costs of appeals in such cases the sum of two dollars and fifty cents for such copy of the record.

Approved August 28, 1915.

No. 315.)

(H. 483—Lapsley.

AN ACT

To submit to the qualified voters of the State, at the general election to be held on the next regular general election day in November, 1916, for their consideration, an amendment to the Constitution of Alabama, in substance and to the effect that the city of Selma, in addition to the taxes it is now authorized and empowered to levy and collect, shall levy and collect annually an additional tax of two-tenths of one percentum upon the value of the property therein as fixed for State taxation, to be applied exclusively to the maintenance of public schools therein, and shall levy and collect annually a further additional tax of one-tenth of one percentum upon the value of the property therein as fixed for State taxation, to be applied exclusively to public school buildings therein and improvements and repairs thereon, or to the payment of indebtedness contracted for the same by the city of Selma, or to the maintenance of public schools therein or to any one or more of these; provided that these taxes shall be in lieu of all other city taxes now required to be levied or appropriated by the city of Selma for the support of schools or for school purposes.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of the State of Alabama for their consideration, as hereinafter set forth, viz.: The city of Selma, in addition to the taxes it is now authorized and empowered to levy and collect, shall levy and collect annually an additional tax of two-tenths of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively to the maintenance of public schools therein, and shall levy and collect annually a further additional tax of one-tenth of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively to public school buildings there-

in and improvements and repairs thereon, or to the payment of indebtedness contracted for the same by the city of Selma, or to the maintenance of public schools therein or to any one or more of these purposes; provided that these taxes shall be in lieu of all other city taxes now required to be levied or appropriated by the city of Selma for the support of schools or for school purposes.

Sec. 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in every county in the State at least eight successive weeks next preceding the general election in November, 1916, of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration together with the proposed amendment.

Sec. 3. That at the general election in November, 1916, an election shall be held for the vote of the qualified electors of the State on the said proposed amendment. Upon the ballots used at said election shall be printed the following, viz.: "Amendment to the Constitution," and beneath these words the following: The city of Selma, in addition to the taxes it is now authorized and empowered to levy and collect, shall levy and collect annually an additional tax of two-tenths of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively to the maintenance of public schools therein, and shall levy and collect annually a further additional tax of one-tenth of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively to public school buildings therein and improvements and repairs thereon, or to the payment of indebtedness contracted for the same by the city of Selma, or to the maintenance of public schools therein or to any one or more of these purposes; provided that these taxes shall be in lieu of all other city taxes now required to be levied or appropriated by city of Selma for the support of said schools or for school purposes. Following the proposed amendment, on the ballot shall be printed the word "Yes" and immediately thereunder the word "No." The choice of the elector or voter shall be indicated by a cross mark opposite the word expressing his desire.

Sec. 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accord with the laws governing general elections. In the election upon this proposed amendment, the votes cast thereat shall be can-

vassed, tabulated and the returns thereof made to the secretary of State, and counted in the same manner as elections for representatives to the Legislature, and if it shall hereupon appear that a majority of the qualified voters who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama; and the result of the election shall be made known by the proclamation of the Governor.

Approved August 28, 1915.

No. 318.)

(H. 887—Shapiro.

AN ACT

To regulate, prohibit and provide punishment for the publication of untrue and misleading advertisements, and requiring that all newspaper and other periodical advertisements be clearly marked "advertisement."

Be it enacted by the Legislature of Alabama:

Section 1. If any person, firm, corporation or association, or agent or employee thereof with intent to sell or in any way dispose of merchandise, real estate, securities, service, or anything offered by such person, firm, corporation, or association, or agent or employee thereof, directly or indirectly, offers to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, knowingly makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this State, in a newspaper, magazine or other publication, or in the form of a book, notice, circular, pamphlet, handbill, letter, poster, bill, sign, placard, card label or tag, or in any other way, an advertisement, announcement or statement of any sort regarding merchandise, securities, service or anything so offered to the public which contains any assertion, representation or statement that is untrue, deceptive or misleading; such person, corporation, or association, or the members of such firm, also the agent and employee, shall be guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 2. If any person, firm, corporation or association, or agent or employee thereof, publishes in any newspaper, magazine or other periodical, any advertisement not clearly marked or labeled "advertisement" at the beginning or end of said advertisement, such person, firm, corporation or association, or agent or employee thereof, shall be guilty of a misdemeanor, punishable as provided in section 1 of this act; provided, however, that this section shall not apply to advertisements wherein the name of the maker, manufacturer, agent, distributor or salesman of the article or thing advertised, together with the address of said maker, manufacturer, agent, distributor or salesman, is plainly set out in said advertisement.

Sec. 3. This act shall take effect 30 days after its approval.

Sec. 4. That if section, clause or provision of this act is declared unconstitutional it shall not affect the remainder thereof.

Approved September 1, 1915.

No. 320.)

(H. 929—Fite of Marion.

AN ACT

To appropriate the two and three per cent funds now in the treasury of the State to Alabama, Tennessee & Northern Railway, and Montgomery and Chattanooga Railroad Company.

Section 1. *Be it enacted by the Legislature of Alabama,* That the two and three per cent funds now in the treasury of the State, amounting to the sum of (\$2,550.61) two thousand five hundred and fifty and 61/100 dollars be and the same hereby is appropriated, equally to Alabama, Tennessee and Northern Railway and Montgomery and Chattanooga Railway Company, corporations organized and existing under the laws of the State of Alabama.

Sec. 2. That the auditor of Alabama is authorized and directed to draw his warrants on the treasurer of the State of Alabama for said sums, and such warrants shall be paid by the State treasurer to the respective treasurers of said Alabama, Tennessee and Northern Railway and Montgomery and Chattanooga Railroad Company.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same hereby are repealed.

Sec. 4. This act shall take effect immediately upon its passage and approval.

Approved August 28, 1915.

No. 322.)

(H. 1043—Goode.

AN ACT

To amend an act entitled "An act to submit to the qualified electors of each of the counties of this State the question of whether or not the work of tick eradication shall be taken up in said county under the State live stock sanitary board as provided by law," approved March 5th, 1915, by amending section 11 thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An Act to submit to the qualified electors of each of the counties of this State the question of whether or not the work of tick eradication shall be taken up in said county under the State live stock sanitary board as provided by law," approved March 5th, 1915, be and the same is hereby amended so as to make section 11 thereof read as follows: "Section 11. That all laws and parts of laws in conflict with this act be and the same are hereby repealed; provided, however, that nothing in this act shall be construed to require that an election be held for the purpose of taking up the work of tick eradication in those counties in which such work is now being conducted by order of the boards of revenue, courts of county commissioners, or other like governing bodies of any such county, and by order of the State live stock sanitary board heretofore made. And such counties in which such work is now being conducted shall not be required to hold an election as provided under this act, and the provisions of the law relating to such work shall be applicable to such counties without holding an election as provided for herein.

Approved September 2, 1915.

No. 323.)

(H. 1044—Goode.

AN ACT

To authorize each of the several counties of this State to make appropriations for the construction and maintenance of dipping vats, and otherwise to promote and encourage the eradication of cattle ticks in such county.

Be it enacted by the Legislature of Alabama:

Section 1. That the boards of revenue, courts of county commissioners, or other like governing bodies of each of the several counties of this State are hereby authorized and empowered to make appropriations for the purpose of constructing and maintaining dipping vats to be used in the work of tick eradication in such county.

Sec. 2. That each of the counties of this State are authorized and empowered to make such appropriations for the purpose of promoting or encouraging the work of tick eradication in such county in any manner as may be deemed necessary or advisable within the discretion of the board of revenue, court of county commissioners, or other like governing body of any such county, and to this end may make orders regulating the establishment and operation of such dipping vats and use thereof. Provided, however, that nothing herein contained shall be held to authorize any such county to compel the dipping of cattle before an election be held for the purpose of determining whether or not the work of tick eradication shall be taken up in such county as provided by law, or as provided by the rules and regulations of the State live stock sanitary board.

Approved September 2, 1915.

No. 338.)

(H. J. R. 203—Goode.

Whereas, it has been conclusively demonstrated by the great war now being waged in Europe that a National System of good roads is essential to the successful protection of a country in the event of war, and

Whereas, the welfare, happiness and prosperity of the people of the United States is to a very great extent dependent upon quick transportation,

Therefore, be it resolved by the Senate of Alabama, the House concurring, that the President and Congress of the United States be and are hereby memorialized to take such steps as in their wisdom appears to be most expeditious, to bring about at the earliest possible moment the construction of a National System of good roads. Be it further resolved that the Governor is respectfully requested to transmit a copy of these resolutions to the President and Congress of the United States.

Adopted by Senate August 25, 1915.

Adopted by the House August 26, 1915.

No. 339.)

(S. 564—Judge.

AN ACT

To amend section 1842 of the Code of Alabama.

Be it enacted by the Legislature of Alabama, That section 1842 of the Code of Alabama shall be amended so as to read as follows, viz: 1842. Said commission shall maintain its organization for five years, and at the end of said period of five years, the Governor shall name a similar commission with like powers and a like term as the first named commission, provided that all bids and contracts for school books shall provide for the purchase, by municipalities and school districts which supply free school books, of such books at the regular contract price less the commission allowed to agents or depositories.

Approved August 27, 1915.

No. 342.)

(H. 1326—Blackwell.

AN ACT

To provide for the payment of the railroad fare and other necessary expenses of the recess joint judiciary committee.

Be it enacted by the Legislature of Alabama:

1. That there is hereby appropriated out of any money in the State treasury the sum of one thousand dollars or so much thereof as may be necessary for the purpose of paying the railroad fare and other necessary expenses of the several members of the recess joint judiciary committee while traveling over the State in the discharge of their duties.

2. That the State auditor is hereby authorized to draw his warrant in favor of the several members of said committee for such amounts as may be certified by the chairman as being due each member.

Approved September 3, 1915.

No. 357.)

(S. J. R. 137—Hartwell.

SENATE JOINT RESOLUTION.

Whereas, Alabama is peculiarly blessed with a magnificent system of water-ways, and a seaport at Mobile of special and

unusual importance to the State and to the country at large, and

Whereas, the Federal government has already recognized the commercial necessity of improving the water-ways of our State and of deepening and maintaining the channel from the port of Mobile to the Gulf of Mexico, which is the natural outlet for the commerce of a vast and growing section.

Resolved, by the Senate, the House concurring, That it is the sense of the Legislature of Alabama that the Congress of the United States shall as speedily as possible improve these great highways to meet the ever increasing expansion of our commerce.

Resolved further, That it is the opinion of this Legislature that our great State should continue to have personal representation upon the rivers and harbors committee in the house of representatives of Congress, to aid in advancing the claims of Alabama in behalf of her water-ways and her only seaport, and that Congress be and the same is hereby memorialized and respectfully requested to give to Alabama an assignment upon said committee which deals with matters of the highest importance to the material and commercial prosperity of the State.

Resolved further, That the secretary of the State be required to send a copy of this resolution to each of the United States Senators and to each member of Congress from Alabama.

Adopted by the Senate August 20, 1915.

Adopted by the House August 31, 1915.

No. 358.)

(S. J. R. 136—Hartwell.

SENATE JOINT RESOLUTION.

Resolved by the Senate, the House concurring, That the Legislature of Alabama extend its sympathy to Galveston, Houston, and to the State of Texas for the loss of life and property sustained by them during the recent hurricane which visited their borders, and the secretary of State be requested to send a copy of this resolution to the Governor of the State of Texas.

Adopted by the Senate August 20, 1915.

Adopted by the House August 31, 1915.

No. 359.)

(S. 403—Judge.

AN ACT

To amend an act entitled "An act to provide for State aid, regulation and supervision of the Mercy Home Industrial School for Girls, located at Birmingham, Alabama," approved April 15th, 1911.

Be it enacted by the Legislature of Alabama, That sections 1, 2, and 4 of an act entitled "An act to provide for State aid, regulation and supervision of the Mercy Home Industrial School for Girls, located at Birmingham, Alabama," approved April 15th, 1911, be amended so as to read as follows:

Section One. That the sum of five thousand dollars is hereby appropriated annually out of any monies in the State treasury for the support, maintenance and improvement of the Mercy Home Industrial School for White Girls located at Birmingham, Alabama, beginning January 1st, 1915.

Section Two. That the State auditor is hereby authorized and directed to draw his warrants on the State treasury in favor of the treasurer of the Mercy Home Industrial School for Girls for the payment quarterly in each year of the sums hereby appropriated for the maintenance of said school.

Section Three. That any court of the State of Alabama which now has, or may hereafter have, jurisdiction over juvenile children, may commit any dependent or neglected white female in Alabama between the ages of twelve and sixteen years, inclusive, who is in danger of becoming delinquent, to said Mercy Home Industrial School whenever in the opinion of said court, said commitment is for the best interest of such child. When so committed such child shall be subject to the rules and regulations and under the control of the board of managers of the Mercy Home Industrial School. This act shall take effect immediately upon its approval by the Governor.

Approved September 4, 1915.

No. 360.)

(H. J. R. 151—Wilson.

HOUSE JOINT RESOLUTION.

Whereas, the frequent floods of the Mississippi river, caused by waters from thirty-one States, embracing more than 41 per cent of the total area of the United States, result in great loss of human lives in portions of the States of Illinois, Tennessee,

Kenucky, Mississippi, Missouri, Arkansas, and Louisiana, and large money losses, not only in such afflicted territory but in other portions of the nation, and,

Whereas, it has been declared by every member of the engineer corps of the United States army who has dealt with such floods, by the Mississippi river commission and by other commissions appointed by Congress, that such floods can be prevented at a reasonable cost, and

Whereas, the work of such flood prevention has been going on for many years in the least economical way and over two-thirds of its costs has been borne by the damaged sections, who can no longer cope with this giant problem without effective aid from the national government, and

Whereas, all political parties have declared in their campaign platforms that flood control of the Mississippi river is a national duty, therefore

Be it resolved, by the House of Representatives of the State of Alabama, the Senate concurring, That the Congress of the United States be, and is hereby requested to fulfill this national duty at its next session and to enact such legislation as shall provide a separate and comprehensive plan for the prevention of such floods without delay.

Be it further resolved, That copies of this resolution be sent to the Speaker of the House of Representatives, to the President of the Senate of the Congress of the United States and to each member of the Senate and House of Representatives of this State in Congress.

Adopted by the Senate August 26, 1915.

Adopted by the House August 27, 1915.

No. 371.)

(H. 256—Shapiro.

AN ACT

To prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America or the State of Alabama or the Confederate flag or ensign.

Be it enacted by the Legislature of Alabama:

Section 1. Any person, who in any manner, for exhibition or display, shall after this act takes effect, place or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement, of any nature, upon any flag, standard, color, or

ensign of the United States or State flag of this State, or ensign, or the Confederate flag or ensign, or shall expose or cause to be exposed to public view, any such flag, standard, color, or ensign, upon which after this act takes effect, shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or who shall, after this act takes effect, expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise, or article or thing for carrying or transporting merchandise, upon which after this act takes effect, shall have been printed, painted, attached, or otherwise placed, a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article, or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days, or both, in the discretion of the court; and shall also forfeit a penalty of fifty dollars for each such offense, to be recovered with costs in a civil action, or suit; in any court having jurisdiction, and such action or suit may be brought by and in the name of any citizen of this State, and such penalty when collected less the reasonable cost and expense of action or suit and recovery to be certified by the probate judge of the county in which the offense is committed shall be paid into the treasury of this State; and two or more penalties may be sued for and recovered in the same action or suit. The words "flag, standard, color or ensign," as used in this subdivision or section, shall include any flag, standard, color, ensign, or any picture or representation, of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of, said flag, standard, color or ensign, of the United States of America, or the Confederate flag or ensign, of a picture or a representation, of either thereof, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe same to represent the flag, colors, standard, or ensign, of the United States of America or the Confederate flag or ensign. The possession after this act takes effect, by any person, other than a public officer,

as such, of any such flag, standard, color or ensign, on which shall be anything made unlawful at any time by this section, or of any article or substance or thing on which shall be anything made unlawful at any time by this section, shall be presumptive evidence that the same is in violation of this section, and was made, done or created after this act takes effect, and that such flag, standard, color, ensign, or article, substance, or thing, did not exist when this act takes effect.

Section 2. This act shall not apply to any act permitted by the statutes of the United States of America or by the United States army and navy regulations, nor shall it be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, article of jewelry, or stationery for use in correspondence, on any of which shall be printed, painted or placed, said flag, disconnected from any advertisement.

Approved September 4, 1915.

No. 378.)

(S. 76—Kline.

AN ACT

To abolish the office of county treasurer, and to require that the county funds to be deposited in such incorporated national or State bank in the several counties, as the board of revenue or court of county commissioners may elect, and to provide for the custody of such funds, and to require all acts required of the treasurer to be performed by the president of the board of revenue or county commissioners.

Be it enacted by the Legislature of Alabama:

Section 1. That the office of county treasurer is hereby abolished.

Sec. 2. That the treasurer of each county shall make a settlement with the board of revenue or court of county commissioners of each county, and the balance of the money on hand he shall pay over to the order of the said board of revenue or court of county commissioners to the credit of said county.

Sec. 3. That all monies heretofore required by law to be paid to the county treasurer, shall be put into such national or State bank of said county, as the board of revenue or court of county commissioners of said county may elect, to the credit of said county, and all settlements heretofore required by law to be made with said treasurer shall be made with said board of revenue or court of county commissioners, the receipt of said

bank so designated being sufficient voucher, and all sworn reports heretofore required by law to be made by said treasurer shall be made by such board of revenue or court of county commissioners.

Sec. 4. That accounts shall be opened and kept in said bank in such manner and funds as such board may direct, disbursements to be made upon the order of the board of revenue or court of county commissioners, and said bank shall furnish said board with a full and detailed statement of the receipts and disbursements on the second Monday of January and July in each and every year. The said board of revenue or court of county commissioners shall from sealed bids, place the county funds, the bids being opened on the first Monday in December of each year, with such incorporated State or national bank in the several counties, as offers the highest rate of interest to the county on daily balances of bank deposits, such placing of said county funds to be for the period of the following calendar year. The board shall require adequate bond of said bank to secure the safety of said deposit, which bond shall be in the sum of fifty thousand dollars, or such other sum as the county commissioners or board of revenue shall fix, having due regard to the safety of the county funds.

Sec. 5. The bank or banks so designated as depositories for county funds shall be charged with all the duties and subject to the same liabilities in so far as the safe-keeping and paying out of the funds of the several counties are concerned, as are now imposed by law upon county treasurers. The banks or bank acting as county depository shall not receive any compensation or commission or other allowance for services as county depositories, provided that in all counties under fifty thousand population where the county treasurer is now required by law to collect and receipt for duty in such county, the judge of probate in such county shall be charged with the duty of collecting and receipting for such road tax, and perform such other duties in connection therewith as are now required by law of county treasurers. All warrants drawn upon the depository must be signed by the probate judge of said county or the president of the board of revenue or court of county commissioners of the different counties at the election of such board of revenue or court of county commissioners, expressed in a resolution which must be spread upon the minutes and given to such depositories that may be selected. Such officer signing such warrants to be liable for the amount of any warrant drawn and paid by such depositories without the authority of law. Provided, however, that if the

board of revenue or court of county commissioners are unable to designate any depository for the county funds in their county by reason of their inability to secure from any bank within its limits terms for the handling of the county funds as provided in this act, satisfactory to such boards of revenue or courts of county commissioners, then such boards may designate some individual who may act as treasurer of such county under such terms and conditions as may be fixed by said boards of county commissioners or boards of revenue.

Sec. 6. All acts required by law to be performed by the county treasurer, outside of the receipts and disbursements of the county funds, shall be performed by the president of the board of revenue or court of county commissioners of the county.

Sec. 7. Provided this act shall not go into effect until the first Monday after the second Tuesday in January, 1917.

Sec. 8. All laws and parts of laws, either general or special in conflict with the provisions of this act, be and the same are hereby repealed. Provided, however, that this act shall not apply to counties having a population of more than 50,000 according to the last Federal census or any subsequent Federal census.

Approved September 15, 1915.

No. 379.)

(S. 703—Ellis.)

AN ACT

To reimburse the Governor for moneys expended by him in repairs and furnishing of the Governor's mansion.

Be it enacted by the Legislature of Alabama, That \$2,234.11 or so much thereof as is necessary be and the same is hereby appropriated out of the funds of the treasury not otherwise expended to be paid to Governor Henderson to reimburse him for moneys paid by him for necessary repairs and furnishings made on the Governor's mansion, and the auditor is hereby authorized to draw his warrant for the sum upon presentation to him of vouchers showing the amounts paid by Governor Charles Henderson.

Approved September 4, 1915.

No. 380.)

(H. 986—Tarrant.

AN ACT

To provide for the distribution of the deposit of mutual aid or industrial associations or corporations with the insurance commissioner, where they cease to do business, and re-insure their policy holders at the time they cease to do business and to make the duly certified statement to that effect sufficient evidence to authorize the insurance commissioner to act.

Be it enacted by the Legislature of Alabama:

That when any mutual aid or industrial association or corporation, shall cease to do business, and at the time it ceases to do business, re-insures all of its policy contracts of insurance then outstanding, with some other association or corporation that has a deposit with the insurance commissioner, and pays all of its outstanding obligations, the insurance commissioner shall pay or turn over to the president or other authorized officer of such association or corporation, the deposit of such association or corporation held by him as an indemnity fund for the benefit of its members or policy holders, and take the receipt of such association or corporation for the same; when any such association or corporation, shall file with the insurance commissioner, a statement in writing, under the corporate seal, signed by the president and secretary of such association or corporation, showing that such association or corporation has not outstanding claims or obligations in favor of its policy holders, and no outstanding judgments nor pending suits against it, and that all of its just debts have been paid, and that it has ceased to do business, and desires to wind up its affairs, and that it has re-insured all of its policy contracts of insurance then outstanding, which statement shall be verified by the oath of each stockholder, and have attached to it a copy of the agreement between such company, association or corporation, and the association or corporation that assumes the outstanding policy contracts of insurance, and re-insures the same, such statement shall be sufficient evidence of the facts therein recited, and the insurance commissioner shall then pay over such deposit as herein above provided for.

Sec. 2. This act shall take effect immediately upon its approval, and all laws in conflict herewith are expressly repealed.

Approved September 4, 1915.

No. 382.)

(H. 161—Chamberlain.

AN ACT

To amend section 3243 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama, That section 3243 of the Code of Alabama of 1907 be amended to read as follows: "3243 (911) Thirteenth Circuit; Time and place of Holding Court.—The circuit court in the thirteenth judicial circuit shall be held at Mobile and shall have one term per year, beginning on the first Monday of October and lasting until and including the thirty-first day of July next following. The presiding judge of said court may adjourn said court for as long a time during the term as to him seems proper."

Approved September 4, 1915.

No. 385.)

(S. 366—Mr. Key.

AN ACT

To establish and regulate Good Roads Day in Alabama.

Be it enacted by the Legislature of Alabama:

1. That August 14 and 15 in each year are fixed and established as good roads day in Alabama, the observance of which is enjoined upon public officials, all educational and other institutions, and the patriotic people of the State. In the event either of these two dates should fall on Sunday, the preceding Friday and Saturday are to be observed.

2. That sixty days prior to the dates named the Governor shall issue a proclamation, in which he shall briefly emphasize the importance of good roads, and their value to all the interests of the State, and directing the observance of good roads day by public officials, educational and other institutions, and the people of the State. Immediately following the issuance of the proclamation by the Governor, it is made the duty of the probate judges of the several counties, and the mayors or presidents of commissioners of the several cities and towns in this State to issue a like proclamation, calling upon their respective counties, cities or towns to join in the good roads movement, and the observance of good roads day.

3. That it shall be the duty of the State Highway Department to annually prepare and publish, for free distribution, a

good roads day program or booklet, to include the Governor's proclamation, good roads statistics, extracts from notable addresses or papers in reference to improving highway conditions, good roads illustrations or plates, and other pertinent material.

Approved September 4, 1915.

No. 386.)

(S. 230—Wallace.

AN ACT

To amend section 4897 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama, That section 4897 of the Code of Alabama be amended, and the same is hereby amended, so as to read as follows: 4897 (1065) (1868) Partial payment of mortgage debt entered. A mortgagee or the assignee or transferee of a debt secured by mortgage, or trustee or his assignee or transferee or cestui que trust of a deed of trust to secure a debt, who has received partial payment, if the mortgage or deed of trust is of record, must, upon request in writing to enter the date and amount of such partial payment by the mortgagor, or by a judgment creditor, or other creditor of the mortgagor having a lien or claim on the property mortgaged, or by a purchaser from the mortgagor, or upon the written request of the debtor in a deed of trust, enter on the margin of the record of the mortgage or deed of trust the date and amount of such partial payment or payments; a mortgagee or the assignee or transferee of a debt secured by mortgage, or trustee or his assignee or transferee or cestui que trust of a deed of trust to secure a debt, if the mortgage or deed of trust is of record must, upon request in writing, enter a statement of the then total unpaid amount secured by said mortgage or deed of trust, of any judgment creditor or other creditor of the mortgagor having a lien or claim on the property mortgaged, or by a purchaser from the mortgagor, or upon the written request of the debtor or mortgagor, enter on the margin of record of the mortgage or deed of trust a statement of the total unpaid amount secured by said mortgage or deed of trust. If for thirty days after such request, the mortgagee or the trustee or his assignee or transferee, or cestui que trust, or transferee or assignee of such mortgage or deed of trust fails to make such entry, he forfeits to the party making such request the sum of two hundred dollars. In construing this section the right of action given herein shall be

considered as a personal right, and shall not be lost or waived by a sale of the property covered by the mortgage or deed of trust before a demand was made for the date and amount of the partial payment to be entered upon the record.

Approved September 4, 1915.

No. 387.)

(S. 208—Holmes.

AN ACT

To provide for the removal of prisoners affected with tuberculosis, confined in the several jails of this State, from said jails to the tuberculosis hospital of the Alabama State penitentiary.

Section 1. *Be it enacted by the Legislature of Alabama*, That whenever, in the opinion of the State prison inspector, it shall be necessary for the proper care and preservation of the health of any prisoner, or prisoners, confined in any of the jails of this State, who are affected with tuberculosis, that such prisoner, or prisoners, should be removed from such jail; or if there is danger of the spread of tuberculosis to the other inmates of the jail by reason of the confinement in the jail of the person, or persons, affected therewith, it shall be the duty of the State prison inspector to order the sheriff of the county to remove such prisoner, or prisoners, to the State tuberculosis hospital. It shall be the duty of the warden in charge of the State tuberculosis hospital to receive such prisoner, or prisoners, and to safely keep and care for them as other prisoners confined in said State tuberculosis hospital are confined and cared for.

Sec. 2. All expenses incident to the removal of such prisoner, or prisoners, from the county in which they are confined, to said State tuberculosis hospital, and their return to said county for trial, shall be borne by the county.

Sec. 3. The provisions of this act shall also apply to persons confined in any of the jails of this State who have been convicted of crime, but confined in said jail under suspended sentence awaiting a determination of an appeal to the Supreme Court, or the Court of Appeals.

Sec. 4. Wherever the words "State tuberculosis hospital" are used in this act they shall be held to mean and refer to the tuberculosis hospital of the Alabama State penitentiary, now located near Wetumpka, Ala.

Sec. 5. Before making any order for the removal of any person from any jail to said tuberculosis hospital, the State

prison inspector shall inquire of and ascertain from the president of the board of inspectors of convicts whether it will be practicable to receive such prisoner, or prisoners, into said tuberculosis hospital, and the State prison inspector shall make no order for the removal of such prisoner, or prisoners, unless notified by the president of the board of inspectors of convicts that such prisoner, or prisoners, can be received into said tuberculosis hospital.

Sec. 6. All laws and parts of laws, general, local or special, in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 7, 1915.

No. 389.)

(H. 601—Shapiro.

AN ACT

To amend section 3279 of the Code of Alabama, 1907.

Be it enacted by the Legislature of Alabama, That section 3279 of the Code of Alabama, of 1907, be amended so that said section, when so amended, shall read as follows: 3279. Supernumerary judge. There shall be one supernumerary judge, who shall have and exercise all the powers that circuit judges and chancellors have or exercise, or that may hereafter be conferred by law, and under the direction of the Governor, shall hold regular, special, or adjourned terms of any circuit or chancery court, or courts of like jurisdiction, when the judges or chancellors thereof fail to attend or to hold such terms, or when the regular judges or chancellors are disqualified from trying causes set before them, or when the dockets of any court are so congested that the assistance of the supernumerary judge is necessary to relieve such congestion. Whenever the clerk of judge of any court in this State certifies to the Governor the fact that the services of the supernumerary judge are necessary to relieve the congestion of the dockets in said court the Governor shall direct the supernumerary judge to go to the proper place for the holding of said court with reasonable dispatch and try said cases and the said supernumerary judge shall assist the regular judge or judges in relieving the congestion of the dockets of said court.

Approved September 8, 1915.

No. 391.)

(H. 500—Chamberlain.

AN ACT

To regulate appeals, in criminal cases, from inferior criminal courts and municipal courts and to provide for the trial of same in the appellate court.

Be it enacted by the Legislature of Alabama, That, when an appeal, in a criminal case, is taken from an inferior criminal court, in which juries are not provided for or from a municipal court, the case appealed shall be returned to the court to which the appeal is taken, the Monday following the day on which the case was tried and shall stand for trial during the term to which it is returned, or if the court be not in session at the date of the return, at the next term.

Approved September 10, 1915.

No. 392.)

(H. 1517—Welch.

AN ACT

For the relief of candidates who have failed to comply with the provisions of that portion of section 6 of the act known as the corrupt practice act, approved June 19, 1915, which requires candidates to designate committees.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That all candidates who, up to the time of the approval of this act have failed to designate committees as provided by section 6 of the act known as the corrupt practice act, approved June 19, 1915, be, and they are hereby relieved from the penalties and forfeitures of said section, provided that such candidates must, within thirty days after the approval of this act, in all respects comply with all of the provisions of said section 6.

Approved September 10, 1915.

No. 393.)

(H. 1387—John.

AN ACT

To make a further appropriation to pay the per diem and mileage of members, officers and employees of the Legislature of Alabama and other expenses thereof for the present session.

Be it enacted by the Legislature of Alabama:

That fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to pay the per diem and mileage of the members, officers and employees of the Legislature of Alabama and other expenses thereof for the present session.

Approved September 10, 1915.

No. 397.)

(H. 411—Weakley.

AN ACT

To prohibit the making or the awarding of loans of money in this State by any person, firm or corporation, domestic or foreign, by any plan, program, or schedule, which involves any lottery or scheme of chance in the nature of a lottery, and to provide for any violations of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That, it shall be unlawful for any person, firm or corporation, domestic or foreign, to make or award any loan of money by or according to any plan, program or schedule which involves any drawing, lottery, or scheme of chance in the nature of a lottery, or which requires the performance by the borrower of any act or duty as a condition upon which such loan is made, except the payment of the necessary and customary expenses attendant upon the making of any loan of money, and the re-payment thereof, with interest, and the giving of such security therefor as may be agreed upon between the borrower and the lender.

Sec. 2. That, any violation of the provisions of this act shall be punishable by a fine of not more than one thousand dollars, and any loan made in violation of the requirements of this act, shall be void, and there shall be no recovery of the principal or interest of such loan in any court of law or equity in this State.

Sec. 3. That, any violation of the provisions of this act by any domestic corporation, shall be a ground for the forfeiture of its charter, and proceedings therefor may be instituted by any citizen of this State. If any loan be made in violation of the provisions of this act by any foreign corporation authorized to do business in Alabama, such violation shall ipso facto revoke the permit of said corporation to do business in this State. That nothing in this act contained shall be construed

or held to affect any cause pending in the courts, or any contract or demand executed or existing before the approval of this act, or remedy for the enforcement of any such contract, right or demand.

Approved September 10, 1915.

No. 400.)

(H. 889—Tarrant.

AN ACT

To make an appropriation for feeding prisoners prior to January 18, 1915, and to provide for the payment for feeding prisoners for term ending September 30, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of seventy thousand dollars, or so much thereof as is necessary, be and the same is hereby appropriated out of any funds in the State treasury not otherwise appropriated, for feeding prisoners up to and including January 18, 1915.

Sec. 2. That the further sum of seventy-five thousand dollars, or as much thereof as is necessary is hereby appropriated out of any funds in the State treasury not otherwise appropriated for feeding prisoners for the fiscal year ending September 30, 1915.

Approved September 14, 1915.

No. 401.)

(H. 386—McDonald.

AN ACT

To regulate divorce proceedings in any of the courts of Alabama.

Be it enacted by the Legislature of Alabama:

1. That in divorce proceedings in any of the courts of this State whenever a decree pro confesso in a suit for divorce has been taken and the case is ready for submission for final decree, and the complainant, or his solicitor of record, if no defense has been interposed, shall file a written request with the register, or clerk of the court, when the cause is pending, asking for the submission of said cause in vacation. The register shall

immediately deliver all papers in the cause to the chancellor or judge, and he shall forthwith render a final decree in said cause, and return the same to the register or clerk for enrollment, and it shall not be necessary to serve any notice of said submission on the defendant in said cause when no defense has been interposed.

Approved September 10, 1915.

No. 402.)

(H. 1402—Grayson of Mobile.

AN ACT

To provide for the distribution of the moneys which were held at the close of the 30th day of June, 1915, as a contingent fund by any excise commission in this State.

Be it enacted by the Legislature of Alabama:

1. That the person having the custody, or charge, of all funds which were under the control of any excise commission at the close of the 30th day of June, 1915, shall immediately after the approval of this act, pay the same into the State treasury upon the certificate of the auditor.

2. That, at the same time of the payment of the money into the State treasury, the person so paying it, shall file with the auditor a list, verified by affidavit, showing the persons entitled thereto, and whenever any such person makes a written application to the State auditor, and shall reasonably satisfy him that he is the same person named on the list filed with the auditor, he shall draw his warrant on the State treasurer for the amount due to the person who paid it to the excise commission.

3. That all persons who made application to any excise commission and paid in any fee, or money and who for any reason was not granted a license to sell liquors, shall be entitled to receive the amounts they paid in, less any sum deducted therefrom for the legitimate expenses of the commission, and any sum left over after all such unsuccessful applicants have had returned to them, their proper pro rata share of the money they paid to the excise commission, shall belong to the State.

4. That any person who fails, or refuses to comply with the provisions hereof shall be guilty of a misdemeanor.

Approved September 10, 1915.

No. 403.)

(H. 1428—Fite of Marion.

AN ACT

To provide for elections, to authorize any county in the State and any school district now existing or hereafter formed in any county, to levy and collect a special county tax for public school purposes, not exceeding thirty cents (30c) on each one hundred dollars (\$100) worth of taxable property in such county and in such school district.

Be it enacted by the Legislature of Alabama:

1. That upon a petition signed by two hundred or more qualified electors of any county, to the court of county commissioners or other governing body, in any county within the State of Alabama, said court of county commissioners or other governing body shall order an election to determine whether or not a special tax shall be levied for public school purposes within said county, and upon request of the county board of education to the court of county commissioners or other governing body, said court shall order an election to determine whether or not a special tax shall be levied for public school purposes within any school district in any county; provided that no election in any school district shall be held for the purpose of levying and collecting a special school tax for school purposes unless the county in which said district is located shall be levying and collecting a special county tax for school purposes of not less than thirty (30c) cents on each one hundred dollars (\$100) worth of taxable property in such county. Publication shall be made of any election to be held under the provisions of this act in some newspaper of the county for three successive issues preceding the date of said election, and when an election is to be held for a special tax for school purposes in any district, written notices shall be posted in three public places within said district at least twenty days prior to said election. Said publications and notices shall show the rate of such proposed tax, the time it is proposed to be continued, and the purpose for which the levy is proposed to be made.

2. That the inspectors and officers of the special county election shall be appointed and such election shall be held, and the results of such election shall be declared in the same manner and by the same officers as the results of the regular election for county officers under the general election laws of the State; provided that the election may be held at the time for holding any regular election in the county, and if held at such

time the inspectors and officers of the general election shall conduct at the same time the election herein provided for, and for such services they shall receive no compensation other than that allowed them for the holding of the general election; but if the election is held at some other time than that of holding the regular election within the county, then the election officers shall receive the same pay as that for holding a general election.

3. That upon written request of the county board of education for a special election in any school district, the court of county commissioners or other governing body, shall appoint three managers and one returning officer for each voting place in the school district, to conduct and make return of such election in the school district, and in the event such election officers fail to appear at the polling place to which they are appointed, the officer or officers who do appear shall appoint some one to take their places; provided that all election officers shall be qualified electors of the district in which they serve; and it shall be the duty of the sheriff to notify all officers of their appointment by the court of county commissioners or other governing body. The managers of such election shall open the polls at eight o'clock a. m. and close the same at five o'clock p. m. on the day of the election, and immediately after closing the polls, shall ascertain the results of the election at their respective voting places and make returns of the same to the court of county commissioners or other governing body, of the county, and deliver the ballot-boxes containing the returns with the polling-lists, tally-sheets, and other necessary papers, to the returning officers of such voting places, who shall deliver the same to the court of county commissioners or other governing body, on or before noon of the second day after said election. The court of county commissioners or other governing body, shall within four days after said election, canvass the returns so made and under oath make a written report declaring the result of said election in said school district, showing the number of votes cast both for and against the proposed taxation. A copy of such report shall be printed in some newspaper published in the county, and the original shall be filed in the office of the probate judge. Except as otherwise provided herein, said election shall be held under the general election laws of the State. The officers, including the sheriff, shall perform the same duties and receive the same pay as provided for under the general election laws aforesaid; and all costs and fees of said election shall be paid out of the county treasury.

4. That when any election is to be held in any county or in any school district, under the provisions of this act, the court of county commissioners or other governing body, shall provide the necessary number of ballots, polling-lists, tally-sheets, ballot-boxes, booths, instructions for holding the election, and all other necessary and proper stationery for holding said election; and the sheriff shall see that the same are delivered to the managers before the day of the election. The ballots used in said election shall have printed at the top of such ballot the rate of such proposed tax, the time it is proposed to be continued, and that it is to be used for public school purposes, and directly underneath in plain type shall be printed on different lines the words, "For Proposed Taxation." "Against Proposed Taxation," and a blank must be left directly to the left of each line thereof, and the voters favoring the proposed taxation will make a cross-mark directly to the left of the line "For Proposed Taxation," and the voters not in favor of the proposed taxation will make a cross-mark directly to the left of the line "Against Proposed Taxation," and if it appears as the result of such election that a majority of those voting in said election have voted for such taxation, the court of county commissioners or other governing body, shall levy said special tax and cause the tax assessor to assess the same on the taxable property in said county, or in said school district, as the case may be, which shall not exceed thirty cents on each one hundred (\$100) dollars worth of taxable property in said county or in said school district, as the case may be; provided that any special tax levied under the provisions of this act shall not be for a shorter term than two years.

5. That whenever such a levy as is provided for in this act is made, it shall be the duty of the tax collector within and for that county to collect such a tax in the same manner and under the same requirements and laws as the taxes of the State are collected, and he shall keep said amount separate and apart from all other funds and keep a clear and distinct account thereof showing what amount is paid and turn the same over to the county treasurer of public school funds, whose duty it shall be to receipt therefor and pay out the same on monthly pay-rolls with the authority and approval of the county board of education, upon uniform blanks prescribed by the State superintendent of education; provided that the funds arising from levying the special tax for school purposes in any school district, shall be used for the exclusive benefit of the public schools of such district; and in the case of incorporated cities and

towns shall be paid over to the treasurer of said incorporated city or town, to be used for the exclusive benefit thereof.

6. That all persons who are at the time of such election qualified electors in the county where such election is held, or in such school district where such election is held, under the laws and Constitution of Alabama then in existence, shall be qualified electors to participate therein.

7. That this act shall take effect when an amendment to the Constitution of Alabama shall be adopted as provided for in an act "to submit to the qualified electors of the State at a general election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature, for their consideration, an amendment to the Constitution for the purpose of authorizing the several counties of the State and the several districts of any county to levy and collect a special tax not exceeding thirty cents (30c) on each one hundred dollars (\$100) worth of taxable property in such county and in the several districts of any county, under such regulations as the Legislature may have prescribed or may hereafter prescribe," and approved March 17, 1915.

Approved September 10, 1915.

No. 406.)

(H. J. R. 220—Rogers.)

HOUSE JOINT RESOLUTION

Resolved by the House, the Senate concurring.

We as representatives, for ourselves and for the people of Alabama, congratulate President Woodrow Wilson for his securing from the Imperial Government of Germany a guarantee to safeguard the lives of non-combatants traveling on liners of belligerents. That this concession was secured by pacific means, makes of our beloved and honored President a grand and lasting monument to the victories of peace, elevates him in the eyes of all who love their fellowmen, as one of the highest exponents of civic righteousness the world has ever known.

Adopted by the House September 3, 1915.

Adopted by the Senate September 3, 1915.

No. 407.)

(H. J. R. 218—Carmichael.

HOUSE JOINT RESOLUTION

Requesting the board of trustees and the president of the University of Alabama to name the new woman's dormitory at the University in honor of Miss Julia Tutwiler.

Be it resolved by the House of Representatives, the Senate concurring, That, in recognition of her distinguished services to education, literature, and philanthropy in this State, and as a slight tribute to her noble character and worth, the board of Trustees and the president of the University of Alabama be respectfully requested to honor Miss Julia Tutwiler, by formally designating and naming the new woman's dormitory at the University as "Julia Tutwiler Hall."

Adopted by the House September 3, 1915.

Adopted by the Senate September 3, 1915.

No. 410.)

(H. 23—John.

AN ACT

To provide for the election by the people of Senators of and from Alabama in the Senate of the United States.

Be it enacted by the Legislature of Alabama: That at the general election to be held on the first Tuesday after the first Monday in November, 1918, and every six years thereafter, a senator of and from the State of Alabama in the senate of the United States, shall be elected by the people for the term of six years, beginning on the 4th day of March next after his election.

2. That at the general election to be held on the first Tuesday after the first Monday in November, 1920, and every six years thereafter, a senator of and from the State of Alabama in the senate of the United States, shall be elected by the people for the term of six years beginning on the 4th day of March next after his election.

3. Whenever a vacancy occurs in the office of senator of and from the State of Alabama in the senate of the United States, more than four months before a general election, the Governor of Alabama shall forthwith order an election to be held by the qualified electors of the State, to elect a senator of

and from the State of Alabama to the United States senate, for the unexpired term. If the vacancy occurs within one hundred and twenty days of and before sixty days of a general election the vacancy shall be filled at that election. If the vacancy occurs within sixty days before a general election, the Governor shall order a special election to be held on the first Tuesday after the lapse of sixty days from and after the day on which the vacancy is known to the Governor, and the senator elected at such special election shall hold the office for the unexpired term.

4. The Governor must give notice of an election of a senator, for a full term, in the same manner and at the same time that he gives notice of the election of representatives in congress, and must give notice of a special election to elect a senator for an unexpired term, in the same manner and for the same time as is prescribed for special elections to fill a vacancy in the office of representative in congress.

5. All elections of senators must be held in the same manner and by the same election officers as elections of representatives in congress are held, and the returns thereof shall be made to, and canvassed by, and the result declared by the same officers who canvass the returns and declare the result of elections of representatives in congress.

Became a law under section 125 of the Constitution.

No. 411.)

(S. 461—Denson.

AN ACT

To designate certain public roads of the State of Alabama as State trunk roads and to provide the manner in which such roads shall be located, improved and maintained.

Section 1. *Be it enacted by the Legislature of Alabama,* That the following described roads are hereby declared State trunk roads: Road Number 1. That certain road described as beginning at the point where the Athens and Fayetteville road crosses the Tennessee-Alabama State line extending southward to Athens, Decatur, Hartselle, Falkville, Cullman, Blount Springs, Birmingham, Calera, Clanton, Montgomery, Lowndesboro, Selma, Safford, Gastonburg, Catherine, Pine Hill, Thomasville, Jackson, Mobile, Grand Bay to Mississippi State line. Road Number 2. That certain road described as begin-

ning at the Alabama-Georgia State line where road from Edwardsville, Alabama to Tallapoosa, Georgia crosses said line extending westward to Heflin, Anniston, Alexandria, Gadsden, Ashville, Springville, Birmingham, Bessemer, Tuscaloosa, Reform to Alabama Mississippi State line near McGary, Miss. Road Number 3. That certain road described as beginning at Girard, Alabama and extending westward to Tuskegee, Montgomery, Lowndesboro, Selma, Marion Junction, Massillon, Uniontown, Faunsdale, Demopolis, Livingston, Cuba to Alabama-Mississippi State line. Road Number 4. That certain road described as beginning at Alabama-Mississippi State line near Margerum, Alabama and extending eastward to Cherokee, Tuscumbia, Leighton, Courtland, Decatur, Madison, Huntsville, Brownsborough, Gurley, Paint Rock, Scottsboro, Stevenson, Bridgeport to Tennessee-Alabama State line. Road Number 5. That certain road described as beginning at Alabama-Tennessee State line north of Huntsville and extending southward to Huntsville, New Hope, Guntersville, Albertville, Boaz, Attalla, Gadsden to Alexandria. Road Number 6. Beginning at Albertville, Alabama and extending to Crossville, Geraldine, Fyffe, Sylvania, Valley Head, to the Alabama-Georgia State line near Sulphur Springs, Georgia. Road Number 7. That certain road described as beginning at the city limits of Tuscaloosa and extending southward to Eutaw, Gainesville to Livingston intersecting there with road number 3. Road Number 8. That certain road described as beginning at Alabama-Tennessee line north of Florence extending southward to Florence, Sheffield, Tuscumbia, Russellville, Hackleburg, Hamilton, Guin, Fayette, Tuscaloosa, Greensboro, Marion to a point on road number 3-near Marion Junction. Road Number 9. That certain road described as beginning at a point on road number 8 near Rockwood and extending southward to Haleyville, Jasper, Birmingham, Pell City, Talladega, Sylacauga, Goodwater, Alexander City, Dadeville, LaFayette to Lanett. Road Number 10. That certain road described as beginning at Columbia extending to Dothan, Ozark, Brundidge, Troy, Montgomery, Wetumpka, Rockford to Sylacauga. Road Number 11. That certain road described as beginning at Montgomery, extending southward out what is known as Mobile Road to Ft. Deposit, Greenville, Burnt Corn, Bay Minette to Fairhope. Road Number 12. That certain road described as beginning at Dothan, extending to Hartford, Geneva, Samson, Opp, Andalusia, Brewton, Atmore to intersection with road number 11 north of Bay Minette. Road Number 13. That cer-

tain road described as beginning at a point on road number 9 near Lanett and extending southward to Opelika, Auburn, Tuskegee, Union Springs, Troy, Elba to intersection with road number 12 near Opp. Road Number 14. That certain road described as beginning at Guntersville, and extending south to Blountville, Cleveland, Addville, Seefville, Pinson to Birmingham. Road Number 15. That certain road described as beginning at a point on road number 1 near Safford and extending westward to Thomaston, Linden, Myrtlewood, Butler to Mississippi line. Road Number 16. That certain road described as beginning at Brundidge extending eastward to Clio, Louisville, Clayton to Eufaula. Road Number 17. That certain road described as beginning at Eufaula and extending southward to Abbeville, Newville, Headland, to Dothan. Road Number 18. That certain road described as beginning at Hamilton and extending to Detroit, Sulligent, Vernon, Millport and Reform. Road Number 19. That certain road described as beginning at Goodwater and extending northeastward to Ashland, Lineville, Wedowee, Roanoke, Rock Mills to Georgia State line. Road Number 20. That certain road described as beginning at Marion and extending northward to Centerville, Blocton to Bessemer. Road Number 21. That certain road described as beginning at Talladega and extending to Oxford. Road Number 22. That certain road described as beginning at Garden City and extending to Blountsville to Oneonta. Road Number 23. That certain road described as beginning at Gadsden and extending to Center and the Georgia State line near Kirk. Road Number 24. That certain road described as beginning at Florence and extending eastward to Rogerville, Athens to Huntsville. Road Number 25. That certain road beginning at the intersection of the Forest Home and Greenville road with road number 11 and extending westward to Forest Home, Pine Apple Station, Oak Hill, Camden, Prairie, Catherine to intersection with road number 1. Road Number 26. That certain road described as beginning at Andalusia and extending northward to Brantley, Luverne, LaPine and to intersection of road number 10 near Sprague. Road Number 27. That certain road described as beginning at Greensboro and extending south to Faunsdale, Demopolis, Linden, Miller to Thomasville. Road Number 28. That certain road beginning at Greenville and extending southward to Bolling, Chapman, Georgiana, Garland, Evergreen, to Brewton. Road Number 29. From Anniston to Jacksonville, Piedmont, Rock Run to Georgia line. Road Number 30. That certain road beginning at

Enterprise, Alabama; Ozark, Alabama, running to Ariton, Alabama, thence to Elamville, Louisville, Clayton and thence to Eufaula, Alabama. Road Number 31. That certain road described as beginning at Alabama and Georgia State line, near Georgetown, thence to Eufaula, thence to Union Springs, thence in a westerly direction to Montgomery. Road Number 32. From Dadeville in Tallapoosa county to Tallassee in Elmore county, from Tallassee to Wetumpka in Elmore county, from Wetumpka to Montgomery the capital of the State. Road Number 33. That certain road described as beginning at Clayton and extending northwest to Mt. Andrew, thence north to James, thence in a northwesterly direction to Union Springs thence in a westerly direction to Bughall, Shopton, and to Downing in Montgomery county, thence to Montgomery, Alabama. Road Number 34. That certain road beginning at Anniston, Alabama, and extending westward to Lincoln, Truss Ferry, Pell City, Cropwell, Vincent, Wilsonville, Columbiana, to Calera.

Sec. 2. That the detailed location of such roads between the points mentioned in section one of this act and their improvement and maintenance shall be in accordance with standards established by the State highway department and subject to the approval of the State highway engineer. That it shall be unlawful for any moneys appropriated by the State of Alabama to aid in the construction or building of roads to be expended on any other roads other than those enumerated herein. Provided the said roads have not been built, in which event the money may be expended on any other road as is now provided by law.

Sec. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved September 10, 1915.

No. 412.)

(S. 687—Pride.

AN ACT

For the incorporation of mutual co-operative societies or associations to promote and foster trade and commerce, to reform abuses relative thereto, to secure freedom from unjust and unlawful exactions; to diffuse accurate and reliable information as to the standing of individuals seeking credit, to settle differences between its members, and to promote a more enlarged and friendly intercourse between the retail merchants and to exempt the same from all corporate taxation and licenses.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That whenever ten or more retain merchants wish to form an association, co-operative society, or corporation, not for pecuniary profit in the sense of paying interests or dividends on stock, but for the mutual benefit through the application of co-operation or other economic principles, they may become a body corporate in the manner following:

Sec. 2. Filing Declaration. That the person proposing to form such corporation, shall file with the probate judge of the county in which it proposes to establish itself, a declaration in writing, setting out the name of said proposed corporation, the names of the charter members and the purposes of said corporation.

Sec. 3. Charter how issued. That upon the filing of such declaration the judge of probate shall issue to such corporation a charter, which shall be perpetual—subject to revocation at any time by the Legislature.

Sec. 4. That said corporations so formed may elect such officers as it may deem necessary, in such manner and for such terms as it may provide, and remove the same at any time, and adopt such constitution and by-laws as it may see fit, not to conflict with the Constitution and laws of this State.

Sec. 5. Powers. That such co-operative society, association or corporation, shall have the power to promote and foster trade and commerce, and to reform abuses relative thereto, to secure freedom from unjust and unlawful exactions, to diffuse accurate and reliable information as to the standing of individuals seeking credit of members of such society or association, to settle differences between its members, to promote a more enlarged and friendly intercourse between the members of its societies or association, to acquire, hold, own and dispose of such property as may be necessary and incidental to the proper conduct of said society or association, and to do all other things incident to its purpose for the mutual benefit of its members.

Approved September 10, 1915.

No. 413.)

(S. 294—Hill.

AN ACT

To amend section 3795 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That section 3795 of the Code of Alabama of 1907 be and the same is hereby amended so as to read as follows: 3795 (1487) (2324) (2687) (3353) (1963). To wife in case of cruelty or non-support by husband. In favor of the wife when the husband has committed actual violence on her person, attended with danger to life or health, or when from his conduct there is reasonable apprehension of such violence, or when the wife without support from him has lived separate and apart from the bed and board of the husband for five years next preceding the filing of the bill, and she has bona fide resided in this State during all of said period.

Approved September 10, 1915.

No. 414.)

(S. 406—Bonner.

AN ACT

To provide for the purchase of blank books, stationery, and office supplies and materials for use in and by the several State offices, departments, commissions, bureaus and boards, other than the convict department, and for the use of the Supreme Court, the Court of Appeals, and the State and Supreme Court library.

Be it enacted by the Legislature of Alabama:

1. That the secretary to the Governor is hereby constituted and appointed purchasing agent for the several State offices, departments, commissions, bureaus, and boards, other than the convict department, and also for the Supreme Court, the Court of Appeals and the State and Supreme Court library. He shall make and execute a bond as such purchasing agent in some reputable surety company, in the sum of ten thousand dollars, the premium on such bond to be paid by the State.

2. That when the head of any office or department named in the preceding section desires any blank books, stationery, office supplies or materials of any kind or nature for the use of his department, he shall make written application therefor to the purchasing agent, to be sworn to, which shall itemize the arti-

cles desired by such applicant, shall show out of what fund they are to be paid, shall state that such articles are absolutely necessary and that the amount thereof is, in his opinion, not excessive, and that he will not knowingly permit any part of same to be used by any person or in any way except in the conduct of the State's business. All applications shall be carefully kept on file by the purchasing agent for presentation to the next regular meeting of the State board of purchase hereinafter provided.

3. That the Governor of Alabama, the State auditor, and the State treasurer are hereby constituted and appointed a State board of purchase, whose duties shall be as follows: The board shall hold regular quarterly meetings on the first Monday in February, on the first Monday in May, on the first Monday in August, and on the first Monday in November of each year, and if, for any reason, the board shall fail to meet at the times above named it shall meet as soon thereafter as convenient, and in cases of emergency, it may hold called meetings on the unanimous written consent of its members. At such meetings the board shall consider such requisitions as are presented to it by the State purchasing agent, provided they are itemized and sworn to as required by this act. When it is deemed necessary or advisable the board may summon before it any applicant for supplies for oral examination. The board shall determine whether or not the articles requisitioned shall be purchased, or what part thereof shall be purchased, and shall instruct the purchasing agent in writing what articles shall be ordered by him. No articles or supplies of any kind or nature whatever shall be purchased by any official of Alabama, or by any employee thereof, except as herein specified; provided however, that the provisions of this act shall not apply to the purchase of supplies for the convict department of Alabama. Any two members of the board shall constitute a quorum, but no supplies shall ever be purchased until as many as two members thereof shall vote in favor of such purchase.

4. That the Governor of Alabama is hereby made chairman of the board of purchase, and the purchasing agent herein above provided shall be the secretary and the custodian of its records. A careful and full minute and record of the proceedings of all meetings shall be made, and transcribed at length, immediately following each meeting, in a well bound book. All books, requisitions, bids, correspondence and all other papers and documents of the board of purchase and of the purchasing agent are hereby declared to be public records, they shall be

faithfully preserved, and shall at all times be open to the inspection of any official or citizen of the State.

5. That the State board of purchase shall, immediately after the adjournment of each meeting, notify the purchasing agent in writing what articles and supplies are to be purchased by him. The purchasing agent shall at once make out a full and complete itemized list of all such supplies, and shall immediately give notice by one publication in some daily newspaper published in Montgomery, Alabama, that sealed written proposals to furnish such supplies will be opened by him in the Governor's office at a time to be stated in the notice not less than 10 and not more than 20 days thereafter. The notice shall not contain an itemized list of the articles to be purchased, but shall state in a brief, general way the nature thereof. The itemized list, which is to be kept on file by the purchasing agent, shall be open to the inspection of any party who wishes to offer proposals to furnish all or any part thereof. At the time fixed in the newspaper notice the purchasing agent shall publicly open all of the proposals and shall let the contract to the lowest responsible bidder, provided the price be reasonable and no greater than the prevailing market price. However, he shall not purchase any supplies from any person to whom he or any member of the board of purchase is related in any manner, or from any person or firm in which he or any member of the board of purchase has any pecuniary interest. The board of purchase is hereby authorized to require any bidder to deposit such securities as it may deem proper, and may also require bond or other surety to be furnished by any person, firm or corporation to whom any contract for supplies may be awarded. If the purchasing agent deems it best for any reason to reject all bids submitted, he may do so, provided he first obtains the written consent of a majority of the board of purchase, which written consent must also show the reasons therefor, and shall be kept on file by the purchasing agent and open to public inspection.

6. That the purchasing agent is required to keep on file in his office an inventory of all office furniture, fixtures and supplies of any nature in all offices, departments, commissions, bureaus and boards, and in the rooms or apartments of the Supreme Court, the Court of Appeals, the State and Supreme Court library, and of the judges and the officers thereof in the State Capitol, which inventory must be made and filed with him on or before the first day in January of each year, and, at the time filed, and annually thereafter, the purchasing agent

shall go to each office in the Capitol, and check over all articles of every kind and supplies in each office above specified, and shall compare such inventory with the one filed the preceding year, and shall require a strict accounting of each department head of any discrepancies between such inventories.

7. That if any officer herein above desires to sell any furniture, furnishings or other articles in his office or apartments he shall notify the purchasing agent in writing of such desire, and give him an itemized list of the articles proposed to be sold. The purchasing agent shall submit such written request to the board of purchase at the next regular meeting, and it may order the articles sold or not as may be deemed best. If the articles are ordered sold, the purchasing agent shall sell the same at public outcry, to the highest bidder, for cash, within the legal hours of sale, at the State Capitol, after first giving ten days' notice of the time, place and terms of such sale by publication for two insertions in some newspaper published in Montgomery, Alabama. On the day of sale a detailed statement of the articles and the office or offices for which sold shall be made out in duplicate, one copy retained by the purchasing agent, and one copy delivered to the State auditor, and the proceeds of the sale paid to the State treasury.

8. That the printing or binding of any supplies or publications that may be desired by the head of any office or department or by any other officer specified herein, shall be done and procured in strict accordance with the provisions of this act with reference to the procuring of any other supplies. However, it is not intended by this act to repeal chapter 40 of the Civil Code of Alabama, 1907. After the printing contract has been let as provided in that chapter and after any requisition for printed supplies has been approved by the board of purchase, then the purchasing agent shall purchase such supplies from the party with whom the State has the printing contract. Provided that nothing herein contained shall affect any contract now existing and legally entered into.

9. That upon delivery to the purchasing agent of the supplies or other articles contracted for and ordered as herein, he shall promptly deliver the same to the several offices, departments, or others making requisition, taking an itemized receipt therefor. Separate invoices shall be made out by the contractor for the supplies or articles called for by each requisition respectively. Before payment, such invoice shall be approved by the head of the office or department or other person to whom the supplies or other articles therein specified are delivered,

and it shall also be approved by the purchasing agent, together with an indication of the fund out of which the invoice is to be paid. Upon presentation of the invoice or bill, the auditor shall draw his warrant upon the State treasurer for the amount thereof, which warrant shall show the particular fund against which it has been charged.

10. That any person who violates any provision of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to not exceeding six months hard labor for the county.

11. This act shall go into effect upon its approval by the Governor or upon its passage. All laws and parts of laws in conflict herewith are hereby repealed.

Approved September 10, 1915.

No. 417.)

(H. 686—Rogers.

AN ACT

To create a lien in favor of any laborer or employee of any person, firm or corporation engaged in the getting, cutting, rafting, shipping, hauling or manufacturing of timber, lumber or cross-ties, and to provide for its enforcement.

Section 1. *Be it enacted by the Legislature of Alabama:* That every laborer or employee of any saw mill or planing mill and every laborer or employee of any person, firm or corporation engaged in the getting, cutting, rafting, shipping, hauling or manufacturing of any kind of timber, lumber or cross-ties, or in preparing timber, lumber or cross-ties for shipping, shall have a lien for his wages on any timber, lumber or cross-ties for all debts or wages due him in the getting, cutting, rafting, shipping, hauling or manufacturing of said timber, lumber or cross-ties.

Sec. 2. *Priority of lien.*—Such lien shall have priority over all other liens, mortgages or incumbrances created subsequent to the beginning of the work or labor done in the getting, cutting, rafting, shipping, hauling or manufacturing of said lumber, timber or cross-ties.

Sec. 3. *Limitation.*—The liens completed by this article shall be held to have been waived or abandoned unless proceedings to enforce the same are commenced within sixty days after the work shall have been created.

Sec. 4. *Liens enforced by attachment.*—For the enforcement of such liens, the person entitled may sue out attachment before any officer authorized to issue such writs, returnable before any court of competent jurisdiction; but before any attachment shall issue, the plaintiff, his agent or attorney, must make affidavit that same remains unpaid and that the attachment is not sued out for the purpose of vexing or harassing the defendant and describe therein the property on which the lien is claimed, and suits under the provisions of this act may be either joint or several.

Sec. 5. *Further enforcement.*—The further enforcement of said lien shall be governed by the laws relating to the enforcement of liens for stumpage in this State.

Sec. 6. This act shall take effect immediately upon its passage.

Approved September 10, 1915.

No. 418.)

(H. 989—Merritt.

AN ACT

To amend section 5838 of the Code of Alabama of 1907 as amended by an act of the Legislature of Alabama, approved August 20th, 1915.

Be it enacted by the Legislature of Alabama:

That section 5838 of the Code of Alabama of 1907 as amended by an act of the Legislature of Alabama approved August 20th, 1915, be amended so as to read as follows: 5838. The court of county commissioners or courts of like jurisdiction may accept a money compensation to be fixed by them not to exceed ten dollars (\$10.00) per capita, per annum from those liable for road duty in lieu of the labor required by law on public roads, provided that in counties of a population of thirty-five thousand (35,000) and under as shown by the last Federal census the amount in lieu of labor shall not exceed five dollars (\$5.00). Said money to go into the road fund of said county and to be appropriated exclusively to the public roads in the precinct or beat from which the money was collected. No contract under this article shall be let to any State, county or municipal officer or to any firm or corporation in which such officer is interested.

Approved September 10, 1915.

No. 421.)

(H. 432—Speir.

AN ACT

To require apartments, buildings or premises occupied by persons suffering with or dying of tuberculosis on removal therefrom, to be disinfected.

Be it enacted by the Legislature of Alabama:

1. That in case of the vacation of any apartment, building or premises by death from tuberculosis, or by removal therefrom of a person or persons sick with tuberculosis, it shall be the duty of the person or physician in charge, to notify the health officer of the town or city of said removal, within twenty-four hours thereafter, and such apartments or premises so vacated shall not again be occupied until renovated and disinfected as herein provided.

2. That in case of the vacation of any apartments, buildings or premises as set forth in section 1 hereof, the town or city health officer, on receiving the notice above required, shall immediately visit said premises, and shall order and direct that such premises or apartments and all infected articles therein be properly and suitably disinfected. In case there shall be no remaining occupants in such premises or apartments, and same shall be vacant, then the town or city health officer shall cause a notice in writing to be served upon the owner, or agent of the owner of such premises or apartments, ordering the renovation and disinfection of such premises or apartments, under the direction of and in conformity with the regulations of the local departments of health.

3. That in case any orders or directions of the town or city health officer requiring the disinfection of any articles, premises or apartments, as herein before provided, shall not be complied with within thirty-six hours after such orders or directions shall be given, then it shall be the duty of the town or city health officer to cause a placard in words and form as follows, to be placed upon the door of the infected apartments, or premises, to-wit: Notice. "Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their renovation and disinfection has been complied with." This notice must not be removed under a penalty of law, except by the town or city officer, or an authorized police officer.

Approved September 10, 1915.

No. 424.)

(H. 1160—Fite of Tuscaloosa.

AN ACT

To confer jurisdiction upon the chancery court, and other courts having the jurisdiction of the chancery court, to establish the fact of consolidation of corporations in certain instances, and to authorize the filing of bills for that purpose and prescribing procedure thereon.

Be it enacted by the Legislature of Alabama, as follows:

1. That when there has been a consolidation of two or more corporations in or out of the State of Alabama, and there is not on record in the proper office in the State of Alabama sufficient evidence of such consolidation, or in any case where has been an attempted consolidation of two or more corporations in or out of the State of Alabama, and the records of the proper offices in this State do not contain sufficient evidence to show a legal compliance with the laws existing in this State at the time such consolidation was attempted, and there is in this State any real or personal property, the title to which has passed through or is derived from the consolidated corporation, or either of those attempting such consolidation, whether the said title be derived immediately or remotely through or from either of said corporations, any person owning or claiming to own any such real or personal property may file in the chancery court of any county in the State where any such property may be located, or any court having the jurisdiction of the chancery court, a bill for the purpose of establishing the fact of such consolidation, and such court shall have jurisdiction to hear and determine the same and render a final decree thereon.

2. That when any such bill as is provided for in the preceding section may be filed, it shall be filed against the corporations entering into, or attempting such consolidation, as well as against the consolidated corporation, provided the said corporations, or either of them is in active operation. If said corporations have ceased to exist, or become dormant, or have failed to exercise corporate functions for five consecutive years, or the officers thereof are unknown, said bill shall be filed against the surviving stockholders in said corporations, if they are known. If the said stockholders are not known, then the said bill may be filed against the stockholders of the said corporation without naming them, and it shall be averred that the names and places of residence of the said stockholders are unknown. If the said corporations are dormant or have failed to exercise corporate

functions for five consecutive years, the officers thereof are unknown, and the stockholders or any of them are deceased, said bill may be filed against the stockholders who are living, if any, and the heirs and distributees of the stockholders who are deceased, and if the names of the said heirs and distributees of the deceased stockholders are unknown the bill may be filed against them as unknown parties, and it shall be averred that their names and places of residence are unknown.

3. Upon the filing of the said bill service shall be had upon the defendants therein, as now provided for service in equity cases, and if the defendants are unknown they shall be served by publication, as now provided by law for service against nonresident defendants in the chancery court.

4. That upon the said cause coming on to be heard the court shall consider any legal evidence of the consolidation of said corporation, or attempted consolidation thereof, and if it shall appear upon such hearing that there was a consolidation in fact, or a bona fide attempt to consolidate the said corporations, a decree shall be rendered so finding and establishing the fact of such consolidation and confirming the same.

5. If upon service being had upon the defendants to any such bill they shall fail within the time provided by law for pleading in chancery cases to enter an appearance therein a decree pro confesso may be rendered against them as now provided for decrees pro confesso against defendants in chancery court, and the said cause may be submitted for final decree upon the original bill of complaint, or the bill as amended, under the rules of chancery practice, and upon the said decree pro confesso.

6. A copy of the final decree rendered in such court under the foregoing provisions of this bill may be filed in the office of the probate judge of the county where such decree is obtained, and in any other county where any of the property of the complainant in said suit, title to which is derived through such consolidation, or through or from any corporation attempting such consolidation, may be located. And in any suit or action in any court in the State of Alabama a certified copy from the record of the probate judge's office of either of said counties, or a certified copy from the record of the office of the register or clerk of the court in which such decree is obtained, shall be legal and competent evidence of the fact of the consolidation of said corporations and shall be admissible as such.

7. On any bill filed under the foregoing provisions thereof, the court shall have jurisdiction, upon appropriate prayer, to

divest the legal title to the property therein described out of the consolidated corporation and the corporation entering into or attempting the consolidation and the stockholders of each, and to vest such legal title in the complainant in the suit.

8. Any bill filed under the provisions hereof, shall not be objectionable for praying all the relief authorized hereby, nor for making defendants all the corporations attempting consolidation and the consolidated corporation and all the stockholders of such corporations, or either of them.

Approved September 10, 1915.

No. 429.)

(S. 154—Burns.

AN ACT

To make an appropriation for necessary repairs and improvements on the buildings of the 4th district agricultural school at Sylacauga.

Be it enacted by the Legislature of Alabama:

1. That the sum of thirty-five hundred dollars is hereby appropriated for necessary repairs and needed improvements on the buildings of the Fourth District Agricultural School at Sylacauga.

2. The auditor is hereby authorized and directed to draw his warrant in favor of the treasurer of the State agricultural school board, at such times and in such amounts as may be certified by the president of the school as due and owing for the improvements actually made.

Approved September 15, 1915.

No. 430.)

(S. 434—Hartwell.

AN ACT

To authorize the court of county commissioners, or any similar court by whatever name, with like jurisdiction, in any county in the State, which county has a population of seventy-five thousand people and less than eighty-two thousand people according to the last or any subsequent Federal census, to employ a trained nurse for the purpose of visiting and caring for citizens of said county who have any infectious or contagious disease, said nurse to be under the supervision and control of the county board of health, and to be paid a salary not to exceed \$100.00 per month, out of the general funds of the county.

Section 1. *Be it enacted by the Legislature of Alabama,*
That the court of county commissioners, or any similar court by

whatever name, with like jurisdiction, of any county, which has a population of more than seventy-five thousand people and less than eighty-two thousand people according to the last or any subsequent census, is hereby authorized and empowered to employ a trained nurse for the purpose of visiting and caring for citizens of said county who are afflicted with any infectious or contagious disease and to pay such nurse a salary of not more than \$100.00 out of the general funds of said county.

Sec. 2. That any nurse employed under the provisions of section 1 of this act shall be under the supervision and control of the county board of health of said county.

Sec. 3. That all acts, either local or general, in conflict with the provisions of this act are hereby repealed. That this act shall take effect from and after its passage and approval by the Governor.

Approved September 10, 1915.

No. 431.)

(S. 335—Hartwell.

AN ACT

To appropriate the sum of twenty-seven thousand five hundred dollars (\$27,500) and interest thereon at 4% since July 1, 1914, for the purpose of paying a certificate of indebtedness issued by the Governor of Alabama to the endowment fund of the University of Alabama.

Whereas, on January 12th, 1915, it became necessary, in order to pay interest on State warrants carried at the banks during the years 1914 and 1915, for the Governor of Alabama to borrow the sum of twenty-seven thousand five hundred dollars (\$27,500), and interest thereon at 4% since July 1, 1914, from the endowment fund of the University of Alabama, by authority of the executive committee of the University of Alabama, and

Whereas, the committee voted unanimously that this investment was in substantial conformity with the spirit of the statute of Alabama which permits the investment of this fund in State securities, therefore:

Be it enacted by the Legislature of Alabama:

That the sum of twenty-seven thousand five hundred dollars, and interest thereon at 4% since July 1, 1914, be and is hereby appropriated out of any fund in the State treasury not otherwise appropriated, for the purpose of paying a certain certificate of indebtedness issued by the Governor of Alabama, January 12th, 1915, which certificate was given by the Governor of

Alabama for the purpose of paying interest on State warrants carried at certain banks during the years 1914 and 1915.

Sec. 2. That with the twenty-seven thousand five hundred dollars (\$27,500), and interest thereon at 4% since July 1, 1914, herein appropriated the Governor is authorized to pay the sum for which certificate of indebtedness was issued on January 12th, 1915, to the endowment fund of the University of Alabama.

Sec. 3. That the State auditor is directed and authorized to draw his warrant on the treasurer of the State of Alabama for the sum of twenty-seven thousand five hundred dollars, and interest thereon at 4% since July 1, 1914, on the order of the Governor of Alabama, for the purpose of paying the certificate of indebtedness heretofore issued by the Governor of Alabama, for the purpose of paying interest on State warrants carried at certain banks during the years 1914 and 1915.

Approved September 10, 1915.

No. 435.)

(S. 721—Holmes.

AN ACT

To require the election of members of courts of county commissioners, or boards of revenue of counties in this State, having or may hereafter have an area of one thousand five hundred and seventy-five square miles or more, by the voters only of the districts which such commissioners represent, and to make such officers ineligible to election as their own successors.

Be it enacted by the Legislature of Alabama:

1. That in all elections hereafter held for county commissioners, or members of boards of revenue, in counties in this State having or may hereafter have, an area of one thousand five hundred and seventy-five square miles or more, the qualified electors in each commissioner's district shall elect one commissioner, or one member of the board of revenue, for their respective districts, but no elector shall be privileged to vote for any other commissioner than the one to be selected for the district in which he votes; and each commissioner shall be a resident of the district for which he is elected.

2. That no commissioner, or member of a board of revenue, in any county in this State, elected under the provisions of this act, shall be eligible to election as his own successor.

3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 10, 1915.

No. 436.)

(S. 584—Thach.

AN ACT

To amend section 3589 of the Code of Alabama.

Be it enacted by the Legislature of Alabama, That section 3589 of the Code of Alabama, of 1907 be amended so as to read as follows: Sec. 3589. Amendment of Charter. Any educational institution heretofore incorporated under special act of the Legislature, or under the general laws of the State may amend its charter as follows: The trustees of the corporation must adopt a resolution embracing the desired amendment of the charter, which must be spread upon the minutes of such trustees. If the trustees are not self-perpetuating but are appointed or elected by any persons or organization other than the trustees themselves, a resolution embracing the desired amendments to the charter shall be submitted to the persons or organization having the power to elect or appoint the trustees and such resolution shall be approved by the person or organization having the power to elect or appoint the trustees. The resolution must then be submitted to the Governor, together with the approval of the persons or organization having the power to appoint or elect the trustees, and if the amendment is approved by the Governor, he shall endorse his approval upon such resolution. It must then be filed in the office of the secretary of State, and when so approved and filed, it shall become a part of the original charter of such institution.

Approved September 10, 1915.

No. 438.)

(S. 604—Judge.

AN ACT

To regulate the office of sheriff in counties of 81,000 population or over according to the last Federal census or any subsequent Federal census, to exempt the sheriffs of such counties from court costs; to authorize and empower the boards of revenue of such counties to fix a number and compensation of the sheriff's deputies, guards and jailers; to exempt sheriffs from liability for the acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of sheriffs, and to provide for the payment of the premium on the sheriff's and deputies' bonds out of the county treasury; and to provide that all fees, charges and commissions taxable and collected as sheriff's fees, charges or commissions be paid into the county treasury, including fees for feeding prisoners to be paid into the general fund, and to create a fund designated as sheriff's fund, and to provide for the payment of the sheriff and his deputies, guards

and jailers from such fund; authorizing the board of revenue to appropriate necessary money for the legal expense of the sheriff's office not otherwise provided for; authorizing the sheriff to employ an attorney to advise and represent him, whose compensation is to be fixed by the board of revenue, and paid out of the sheriff's fund; and providing when and how this act shall become effective.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of the State of Alabama having a population of 81,000 or over, according to the last Federal census or any subsequent Federal census, that the sheriff of such county shall not be taxed with or liable for costs, fees or charges of courts when such sheriff, in his official capacity or for acts done under color of his office, is made a party defendant to any action at law or at chancery; provided, however, that such sheriff shall be liable for the witness fees of witnesses summoned in his behalf when such sheriff is cast in the suit.

Sec. 2. That the number and compensation of the deputies of the sheriff of such county, guards and jailers, shall be fixed by the board of revenue of such county; provided, however, that the sheriff have the exclusive right to select and discharge the said deputies, guards and jailers and that they be under his control. That this section shall not affect the powers or duties of the sheriff under section 7518 of the Code of Alabama.

Sec. 3. Be it further enacted that in such counties all deputy sherffis shall enter into bond in the penal sum of \$2,000.00 payable, conditioned and approved as is the bond of the sheriff, and such bond shall be recorded, held and governed in all respects by the laws of this State relating to official bonds in so far as said laws are applicable.

Sec. 4. Be it further enacted that the sheriff of such county shall not be liable for the acts of his deputies unless he participates in such acts or the same are done in compliance with his orders or with his knowledge and consent; provided, however, that the sheriff and the sureties on his bond shall be liable for the misappropriation of money collected by any deputy sheriff under color of his office or in the course of his employment.

Sec. 5. Be it further enacted that in the event the bond of the sheriff or any deputy in such county shall be executed by a guaranty, surety or bonding company, as surety, the amount of the annual premium to be paid to such company in consideration of such suretyship shall be paid by such county out of the county treasury as other obligations of such county are paid.

Sec. 6. That all moneys received, or fees, commissions or charges of the sheriff shall be paid into the county treasury as

other moneys due the county and shall be kept in a separate fund designated as the sheriff's fund, and that the county shall pay the compensation of the sheriff and the deputy sheriffs, guards, and jailers, and such compensation shall be paid from the sheriff's fund; provided, that at the end of each fiscal year, any moneys in the sheriff's fund not appropriated shall go into and be transferred to the general funds of the county.

Sec. 6½. Provided, that the board of revenue may pay the monthly salaries of the deputies, jailers and guards in anticipation of fees actually earned for service rendered out of the general fund of the county when there is not sufficient money in the sheriff's fund.

Sec. 7. That the board of revenue may appropriate necessary money for the legal expenses of the sheriff's office not otherwise provided for, which said money shall be paid out of the sheriff's fund of the county.

Sec. 8. That the sheriff is authorized to employ an attorney to advise and represent him in his official capacity, and such attorney shall be paid by the county out of the sheriff's fund; the amount of his compensation to be fixed by the board of revenue.

Sec. 9. That all moneys, under existing laws or any law hereinafter enacted, which are payable to sheriffs for feeding prisoners, shall be paid into the treasury of such county, and the board of revenue of such county shall have charge and control of feeding the prisoners of such county, and shall make necessary rules and regulations to make this provision effective.

Sec. 10. That this act shall become effective when the sheriff of such county is put on a salary basis; provided, that should the Supreme Court of Alabama declare the act under which the sheriff of such county is put on salary unconstitutional, then this act shall not be effective.

Approved September 10, 1915.

No. 447.)

(S. 282—Holmes.

AN ACT

To authorize courts of county commissioners or boards of revenue in counties where there are no poor houses, to make provision for paupers or other indigent persons in their said counties.

Be it enacted by the Legislature of Alabama:

1. That in all counties in this State, where there are no poor houses, organized or established in accordance with the laws of

this State, courts of county commissioners, or boards of revenue in such counties, are hereby authorized and empowered to make such appropriation in behalf of paupers, or indigent persons entitled to relief from the county, not exceeding six dollars per calendar month to meet the needs and expenses of such paupers or indigent persons.

2. It shall not be lawful for any court of county commissioners or board of revenue to let to the lowest bidder the maintenance of the poor.

Approved September 10, 1915.

No. 459.)

(H. 1052—Grayson of Mobile.

AN ACT

To authorize the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand (80,000) nor more than eighty-two thousand (82,000) according to the last or any succeeding Federal census to pay pensions to aged and indigent teachers out of the school fund of said counties.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever any person in this State has taught continuously in any of the public schools thereof for thirty years and has reached the age of sixty years, and his or her record as a teacher is without reproach, and by reason of physical inability or mental infirmity is unable to teach longer, and who is without the means of comfortable support, such teacher may lay his or her case before the county board of education, or other school governing body by whatever name called, in all counties having a population of not less than eighty thousand nor more than eighty-two thousand according to the last or any succeeding Federal census, and the said board shall proceed to consider the same, and if the facts are found as stated above, the teacher shall be placed on the "Retired List," a record of which shall be kept by the said board and known as the "Retired List," and every person so placed on said list shall be entitled to receive a pension from the public school funds of the said county or counties of two hundred and forty (\$240.00) dollars per year to be paid quarterly by the county treasurer of public school funds of the county or counties in which the teacher making said application lives, as other teachers are paid; pro-

vided that said payment will be made as above authorized so long as said teacher is without means of comfortable support and until authorities of such county or counties may for any reason which they deem sufficient, discontinue the payment of said sum; provided, further, that this act shall not become in-operative in any of said counties except upon a majority vote of the county board of education, or other school governing body by whatever name called, of said counties.

Approved September 10, 1915.

No. 464.)

(H. 850—Weakley.

AN ACT

To provide for the assessment, valuation and equalization of values of real and personal property for taxation, and for this purpose to create a State board of equalization, to prescribe the powers and duties of said board, to create a board of equalization for each county, and to prescribe the powers and duties of said boards, to provide for the collection of taxes, the sale of property for taxes, the redemption from such sales, to further provide for the general revenues, abolish the State tax commission, and to transfer all its powers, authority and jurisdiction, and all proceedings pending for assessment and collection of taxes, and to repeal all laws in conflict with this act.

Be it enacted by the Legislature of Alabama:

DEFINITION OF TERMS.

Section 1. That whenever the terms mentioned in this section are employed in this act, they are employed in the following sense:

1. The term "property" includes real property and personal property.

2. The term "real property" shall be held to mean and include not only land, city, town and village lots, but also all other things thereunto pertaining, and all structures, and other things so annexed or attached thereto as to pass to a vendee by the conveyance of the land or lot.

3. The term "personal property" shall be held to mean and include all things, other than real property, which have any pecuniary value, investments in any bonds, stocks, joint stock companies, or otherwise.

4. The term "money" or "moneys" shall be held to mean and include gold, silver, and other coin, bills of exchange, bank bills, or other bills or notes authorized to be circulated as money, whether in possession, or on deposit subject to the draft of the depositor, or the person having the beneficial interest therein, on demand.

5. The term "improvements" includes all buildings, structures, walls, fences, and any other thing erected upon or affixed to the land.

6. The term "credit" includes every claim and demand for money, labor, merchandise, or other valuable things, and money and property of any kind secured by deed of trust, mortgage or otherwise.

7. The term "person" or "party" or other word or words importing the singular number shall be held to include firms, companies, associations and corporations; and all words in the plural number shall apply to single individuals, in all cases in which the spirit and intent of this act require it; and all words importing the masculine gender shall also apply to females; and all words importing the present tense shall also apply to the future.

8. The term "merchant" as used in this act includes all persons, copartnerships or corporations engaged in trading or dealing in any kind of goods, wares, merchandise, either on land or in steamboats, wharfboats or other craft stationed or plying in the waters of this State, whether such goods or merchandise be kept on hand for sale, or the same be purchased and delivered for profit as ordered.

9. The term "value" means the fair and reasonable cash value of the taxable property, and shall be estimated at the price at which the property would bring at a fair voluntary sale.

EXEMPTIONS FROM TAXATION.

Sec. 2. The following property and persons shall be exempt from taxation:

1. All bonds of the United States and of this State, and all county and municipal bonds issued by counties or municipalities of this State. All property, real and personal, of the United States and of this State, and of the county and municipal corporations of this State; all cemeteries and lots in the same, and all real and personal property, when the same are used exclusively for religious worship, educational or purely charitable or fraternal purposes; all school furniture and personal property used exclusively for school purposes; and all property, real or personal, that may be used exclusively for agricultural or horticultural associations of a public character, or for the maintenance and education of young men preparing for the ministry in any church or religious association; all property of State or county fair associations; all money on

deposit in banks; and all manufactured articles which shall remain in the hands of the manufacturers thereof on the first day of October of the year in which said articles were manufactured; provided that nothing herein contained shall repeal or limit the exemption from taxation of any property now exempted for a limited time, or extend such exemption for a greater time.

2. All the property of literary and scientific institutions and literary societies, when employed or used in the regular business of such institutions.

3. The libraries of ministers of the gospel, and all libraries other than those of a professional character, and all religious books kept for sale by ministers of the gospel and colporteurs.

4. All deaf mutes and insane and blind persons, and their property to the value of one thousand dollars.

5. From poll tax, all persons permanently disabled, whose taxable property does not exceed five hundred dollars.

6. All family portraits.

7. The following property, to be selected by the head of each family, viz.: Household and kitchen furniture, not to exceed in value one hundred and fifty dollars; one yoke of oxen, or one mule or one horse used for farm purposes, one cart or wagon, two cows and calves, twenty head of hogs, ten head of sheep, all poultry, all cotton and other agricultural products which were raised or grown during the preceding year, and which shall remain in the hands of the producer thereof; provisions and supplies on hand for the current year, for the use of the family and the making of the crop; all wearing apparel; all looms and spinning wheels kept for use of the family; farming tools to the value of twenty-five dollars; tools and implements of mechanics to the value of twenty-five dollars; one sewing machine in each family, when the taxable property does not exceed two hundred and fifty dollars; provided, that no property or subject of taxation shall be exempt from taxation, nor shall any credit abatement, or reduction be allowed therefrom, unless such property or subject of taxation is entered by the tax payer upon his assessment list, and returned by him, under oath, to the tax assessor.

Sec. 3. All shipbuilding plants, in the erection, construction and equipment of which not less than one hundred thousand dollars shall have been bona fide expended in that time, together with the buildings, works, machinery, appliances and appurtenances thereof, and all additions necessary or proper for its practical operation made to any such plant, its buildings, works, machinery, appliances and appurtenances, shall

be exempt from State, county, municipal taxation and licenses for at period of ten years. And all the capital stock of any such shipbuilding plant shall likewise be exempted from all State, county, municipal taxation and licenses during said period of ten years; but this section shall not be construed to exempt from such taxation any lands upon which such plant is erected, or which may be used in connection therewith. Provided, that no house or building inhabited by any person or used for the sale of any goods, wares or merchandise shall be exempt from taxation under this section.

Sec. 4. Cotton and other agricultural products shall be exempt from taxation in the hands of the producer or in the hands of the purchaser purchasing the same for prompt shipment, and all manufactured articles including pig iron, shall be exempt from taxation in the hands of the producer or manufacturer for twelve months after its production or manufacture.

Sec. 5. No licenses or taxes of any character shall be collected by, or required to be paid to the State or any county or municipality therein, by any State or county fair, agricultural association, stock or poultry show, or from those who conduct business under contract with such fair, association or show, on premises owned or controlled by it during the annual fairs or exhibits of such association.

RATE AND SUBJECTS OF TAXATION.

Sec. 6. The rate of taxation for State purposes shall be sixty-five one-hundredths of one per cent. per annum on the assessed value of the taxable property within this State.

Sec. 7. There is hereby levied for the purposes, and upon the property hereinafter named, in lieu of all taxes heretofore levied, annual taxes as follows, to-wit:

(a) For the maintenance of the public schools of the State, thirty cents on each hundred dollars of the assessed value of taxable property.

(b) For the relief of needy Confederate soldiers and sailors, resident citizens of Alabama, and their widows, ten cents on each hundred dollars of the assessed value of taxable property.

(c) For the use of the State and to raise revenue therefor, twenty-five cents on each hundred dollars of the assessed value of taxable property.

1. Every piece, parcel, tract or lot of land in this State, including therein all things pertaining to such land, and all structures and other things so annexed or attached thereto as

to pass to a vendee by conveyance of such land; and every separate or special interest in any land, such as mineral, timber, or other interest, when such interest is owned by a person other than the owner of the surface or soil, except growing crops.

2. All docks, wharves, wharf boats, landings and warehouses, where charges are made for the use of same, toll bridges and ferries, canals, passes, channels and turnpikes, where tolls are charged for the use of same, and street railroads, printing presses and materials.

3. All steamboats, vessels and water craft of every name and kind plying on the waters of this State. The owner of all such steam boats, vessels and water craft plying on any of the waters of this State shall return the same for taxation to the assessor of the county wherein he resides, and if such steamboat, vessel or water craft is owned by a corporation, then in that county where the principal office of the said corporation is situated; all transfer boats, steam boats or barges used by any railroad in transferring cars and passengers must be assessed and taxed in the county or counties where used or where the owner resides regardless of where such vessel may be registered.

4. All stocks of goods, wares, merchandise, the assessment to be on the average amount on hand during the preceding year, but the amount so assessed shall in no case be less than the capital actually employed in the business, and this shall include all goods, wares and merchandise kept on plantations, or elsewhere, or by railroad companies or manufacturing companies, or other associations, companies, or persons for sale or to be dealt out to laborers or employees for profit or on account of their wages, and shall include all goods, wares, and merchandise offered for sale by any person commencing business subsequently to the first day of October of a current year, but in such case the tax shall be apportioned according to the date at which the business shall be commenced, so that if commenced after the first day of January, the tax shall be three-fourths of the tax for the whole year; if commenced after the first day of April, the tax shall be one-half of the tax for the whole year, provided that the assessment herein provided for shall not include products raised on the farms in hands of the original producers. If the person, association or corporation carrying on such business shall fail to make return of the amount of stock as provided by law, or if the county board of equalization is not satisfied with the return made, in order to make proper assessment, it shall have a right to demand a copy of the last inventory made of such stock of goods, and may also by inquiry

of persons believed to have knowledge of the subjects, obtain information as to the probable average amount of such stock, and from such information may assess the same upon its best judgment.

5. All household furniture, libraries, jewelry, plate and silverware, ornaments and articles of taste, pianos, and other musical instruments, paintings, clocks, gold, silver and other watches and gold and other safety chains; all wagons and other vehicles; all motor cars, automobiles and bicycles; all typewriters, all cash registers, all phonographs, and all machines of like character; all iron safes, all store fixtures, all office furniture and fixtures; all mechanical tools and farming implements; all dirk and bowie knives, swords, canes, pistols and guns; all cattle, horses, mules, studs, jacks and jennets; all hogs, sheep and goats.

6. All money loaned or employed in the business of advancing or lending on any kind of chattels, choses in action or personal property, or used in buying or discounting notes, bonds or bills of exchange; all money hoarded, whether in the custody of the owner in this State, or in another State, or in any safety deposit box, safe or vault, or elsewhere, except money on deposit in banks, and also except money secured by mortgage on which the mortgage tax has been paid.

7. All investments in bonds, except bonds of the United States, the State of Alabama, and of the counties and municipalities of this State, and such other bonds as are not by law taxable; but all capital invested in bonds or currency which are exempt from taxation shall be liable to be taxed under this section, should such capital at any time during the year, be reconverted into money, bonds or property which is taxable, unless it is made to appear that the money, bonds or property into which such reversion may be made has been assessed for taxes for such year.

8. The roadbed, track and other property, real and personal, of railroads, and all tram roads, pole roads, canals, ditches and channels used for transporting lumber, timber, logs or other valuable commodities of commerce, which are not taxed as improvements on the land or plant, or main property of the owner of such tramroads, pole roads, canals, ditches or channels.

9. All dividends declared or earned, and not divided by corporations doing business in this State. Shares of stock in companies or associations not incorporated under the laws of this State, except stock in national banks.

10. On the gross amount of sales at auction made in or during the tax year preceding the assessment of goods, wares and merchandise owned by non-residents, each auctioneer shall be assessed and shall pay a tax of one-fourth of one per cent; and a like tax on all sales made by him of property owned by citizens of this State, which have been imported into this State, and sold at auction before the same has been assessed for taxes as other property; but on sales of goods, wares and merchandise and fruits by cargo, the rate of taxation shall be one-eighth of one per cent.

11. On the gross amount of commissions, or sums charged and received during each tax year, by any factor, broker, commission merchant, auctioneer, or dealer in any other kind of property in buying or selling, or for any other act in the course of their business, and for a commission or compensation by bale, sack, packages, articles or otherwise.

12. All real and personal property of water companies, including the pumping stations, reservoirs, stand-pipes, towers, pipe lines, gates, valves, tunnels, canals, and dams used in the business of supplying water to consumers for pay; all real and personal property of electric light and power and gas light companies, including all machinery, engines, dynamos, wires, poles, pipe lines and appliances of every nature and description used in connection therewith; all the real and personal property of every furnace, rolling mill, mine, quarry or manufacturing establishment, including all machinery, engines, and appliances of every nature used in the business; all dams across rivers and creeks. All real and personal property of cotton gins, cotton compresses, cotton seed oil mills, grain elevators, flour and grist mills.

13. All other property, real, personal and mixed not hereinbefore specified.

14. All property brought into the State after the first day of October, and before the assessor has completed his assessment, except property that may be brought into the State by a bona fide citizen of the State, purchased with money held on the first day of October, which money has been assessed for taxation that year, shall be subject to taxation the same as if it had been held or owned in the State on the first day of October.

Sec. 8. All taxes, unless otherwise directed, shall become due and payable on the first day of October in each year, and shall become delinquent if not paid before the first day of January succeeding, except in cases when parties are about to remove from the county.

Sec. 9. All taxable property within this State shall be assessed for the purpose of taxation at sixty per cent of its fair and reasonable cash value.

Sec. 10. From and after the first day of October of each year the State shall have a prior lien upon each and every piece or parcel of property, real or personal, for the payment of taxes, which may be assessed against the owner, or upon such property, during that year, for the use of the State; and the county shall have a lien thereon for the payment of the taxes which may be assessed against such owner, or upon such property during that year for the use of the county, and if such property is within the limits of a municipal corporation, such municipal corporation shall have a lien thereon for the payment of taxes which may be assessed against such owner or such property during that year for the use of the municipality, and these liens shall exist in the order named as to all lands bid in by the State at tax sales for the annual taxes thereafter assessed on the value of the property so purchased in the event of tax title failing.

TAXATION OF BANKS.

Sec. 11. Any unincorporated bank, private bank, or institution doing a banking business that is not incorporated, shall be assessed at sixty per cent. of its fair and reasonable cash value. For the purpose of aiding in determining the amount of such assessment, the owner, president, cashier or manager of such bank shall under oath file with the tax assessor a statement showing the capital of said bank, its surplus, undivided profits, not included in the surplus, and all real estate owned by said bank and situated in the State, with a description of the same and the value of such real estate, and the name of the person or the names of the persons who own said bank, what interest or interests in said bank have been sold during the past twelve months, the price of the same, the names of the sellers and purchasers, the annual dividends declared by such bank for the last three years, and the amount of the capital, surplus and the undivided profits not included in the surplus. The county board of equalization may examine any person with reference to the matters mentioned in said affidavit. From all sources of information herein provided for, and from any other information that may be obtained, the county board of equalization shall determine the amount of such capital, surplus, undivided profits not included in the surplus, and the value of the

real estate of such bank. From the amount of the sum of the capital, surplus and undivided profits not included in the surplus so determined, the county board of equalization shall deduct the value of the real estate of said bank. The bank shall pay a tax on the real estate, and on the residue of all its capital as above determined.

Sec. 12. Every share of any incorporated bank or banking association incorporated under the laws of this State, or any other State, or of the United States, shall be assessed for taxation in the county, and in the city or town where such bank is located, at sixty per cent of its fair and reasonable cash value. For the purpose of determining the value of such shares, the president or managing officer of such bank, or banking association, shall make out and return under oath to the assessor of the county in which such bank is located, a list showing the total number of shares of capital stock of such bank, the name and address of every shareholder so far as known, the fair and reasonable cash value of such shares, and the par value thereof, what sales of stock have been made during the last twelve months, with the names of the sellers and buyers thereof, and the price paid for the same, the annual dividend declared upon the stock for the last three years, the value of the shares as shown by the books of the bank, and by the last report of the officers to the shareholders, the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such president or managing officer shall at the same time in the manner required by law, return to the assessor a statement of all real estate and improvements thereon, and furniture and fixtures owned by the bank situated in this State and liable for taxation. The value of the shares of such bank for taxation shall be fixed by the county board of equalization, and said board shall, in fixing such value, deduct from the total value of the shares, the reasonable cash value of the real estate and improvements thereon, and furniture and fixtures belonging to such bank and assessed for taxation, and sixty per cent of the residue after such deduction shall be the assessed value of such shares, and such residue divided by the whole number of shares issued shall constitute the assessed value of each share for taxation. It is the intent and meaning of this section that the real estate of every such bank shall be assessed for taxation against the bank as other real estate in this State is assessed to the owners thereof, and that the bank shall pay the taxes thereon, and that the shares shall be assessed for taxation against the shareholders at sixty per cent. of their fair and

reasonable cash value as above determined, after deducting therefrom the reasonable cash value of the real estate and improvements thereon, and furniture and fixtures of the bank, and that the bank shall pay for the shareholders respectively the tax so assessed against their shares. In arriving at the fair and reasonable cash value of the shares, there must be considered everything which gives them value, such as franchise, capital stock and assets of the bank, the real and personal property, the reserve fund and surplus, the undivided profits not included in the surplus, and all other interests of the shareholders that would pass to a purchaser on a transfer of his stock, and except as herein expressly provided, no separate tax shall be levied upon these elements of value, or any of them. It shall be no ground of objection to such assessment of shares that it is entered upon the assessment book in the corporate name of the bank.

Sec. 13. Where any incorporated bank has one or more branches, the president or managing officer in making out the statement required in the preceding section, shall in addition thereto furnish the tax assessor with a statement of the different locations of the branches of said bank and names of the counties and towns where situated. Any incorporated bank having one or more branches shall pay taxes on the real estate and improvements thereon, and furniture and fixtures in the county, city or town where such real estate, furniture and fixtures are situated. The total value of the shares of such bank for State, county, school district and municipal taxation shall be as fixed and determined by the proper legal authorities in the county of its principal place of business, and when the total value of such shares has been so determined, it shall be the duty of the tax assessor of said county to certify to the tax assessor of each county wherein a branch is located, the assessed value of the shares of such bank to be assessed for taxation in each place where said branch is located, but the amount of such assessment shall be ascertained by dividing the total value of such shares by the whole number of places where said bank does business, or maintains branches, it being the true intent and purpose of this section, that in each county and in each school district, and in each municipality where a branch bank is located, the real estate and improvement thereon, and furniture and fixtures located therein, and an equal proportion of said shares based upon the whole number of places where said bank does business, shall be assessed therein, and taxes collected therein on such property and proportion of shares.

TAXATION OF CORPORATIONS.

Sec. 14. Every share of any corporation, except banks or banking associations, and building and loan associations, shall be assessed and the taxes thereon collected in the county wherein such corporation has its home or chief office in the State, and shall be assessed at sixty per cent. of its reasonable cash value to the person in whose name such shares stand on the books of the corporation, and not to the corporation. The president or managing officer of every such corporation shall make out and return under oath to the assessor of the county in which the chief or home office of the corporation is located, a list showing the total number of such shares of capital stock of such corporation, and the par value thereof, and the full name and residence of each shareholder as far as known, the actual market value of such shares and the par value thereof, the date of the last sale of stock in such corporation, with the name of the seller, and the purchaser and the price paid for the same, and the annual dividend declared on the stock of such corporation for the last three years, the value of the shares as shown by the books of the corporation, and by the last report of the officers to the shareholders, the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such president or managing officer shall at the same time return to the assessor a sworn statement of all taxable property, real and personal, owned by such corporation, situated in the State, and the county board of equalization after passing upon such return shall deduct from the total value of the shares the reasonable cash value of the real and personal property of the corporation, and sixty per cent. of the residue of values remaining after such deduction shall be the assessed value of the whole of such shares, and such sixty per cent. of the residue divided by the whole number of shares, shall constitute the value of each share for taxation, and the corporation shall pay for the shareholders the tax assessed against his shares, and the amount so paid for any shareholder shall be a lien on any interest which such shareholder may have in any property owned by the corporation. If the aggregate value of the shares does not exceed the aggregate value of the real and personal property of the corporation as returned for taxation, then no tax shall be demanded or collected on the shares, and no other deduction shall be made from the aggregate amount or sum at which the real and personal property of the corporation is returned for taxation than is herein speci-

fically provided for. It shall be no ground for objection to such assessment of shares that the same is entered upon the assessment books in the name of the corporation. In arriving at the value of the shares of stock of a corporation organized under the laws of Alabama for the purpose of conducting an insurance business, there shall be deducted from the value of such shares, in addition to the assessed value of its property, the amount of its bond of the State of Alabama, or any county or municipality thereof, and of the United States, held by such insurance corporation at the time of such assessment, which said bonds were held during all the six months preceding such assessment; provided no shareholder of any corporation which pays a tax on its franchise or intangible property shall be liable to the taxes specified in this section as to the same property. Provided that any corporation within the provisions of this section shall be entitled for the purpose of arriving at the value of the shares for taxation to have deducted from the value of its said shares as returned, the assessed value of property owned by said corporation in other states or countries on the next preceding first day of October. And the tax assessor or board of equalization making assessment of the property of such corporation shall have the right to demand and receive of said corporation a certified copy of the assessment of any property outside the State of Alabama sought to be deducted as above provided.

Sec. 15. If a corporation, by endorsement on its tax assessment or otherwise in writing, shall agree to pay the taxes, if any, assessed on the shares for the shareholders, it need not file a list of such shareholders.

FRANCHISE TAX OF CORPORATIONS.

Sec. 16. Every corporation organized under the laws of this State, except strictly benevolent, educational or religious corporations, or banks or banking institutions, or building and loan associations regularly organized under the laws of this State, or any other state, shall pay annually to the State an annual franchise tax of forty cents on each one thousand dollars of its paid up capital stock. Every corporation organized under the laws of any other state, nation or territory and doing business in this State, except strictly benevolent, educational or religious corporations, or banks or banking institutions, or building and loan associations, shall pay annually to the State an annual franchise tax of forty cents on each one thousand dollars on the amount

of capital actually employed in this State. Subdivision 1. The president or any executive officer or the secretary of every corporation subject to a franchise tax under this section, shall make a written statement under oath to the probate judge showing the name of the corporation, the State or country under whose laws incorporated, its principal place of business in this State; if a domestic corporation, the amount of its capital stock; if a foreign corporation, the actual amount of capital employed in this State; if it is a corporation at the time of the statement authorized to do business in this State; or the actual amount of capital it is proposed shall be employed in this State, if it is a corporation not then qualified to do business in this State. Subdivision 2. The judge of probate with whom any such statement is filed may summon before him any of the officers of the corporation, or any other witness, and swear and examine them, and inspect any of the books, papers, or documents of the corporation, and for that purpose may compel the production as courts of equity might do; and if he is satisfied from the evidence thus obtained that the amount of the capital of the corporation is less than stated, and in the case of a foreign corporation than the amount of capital actually employed or to be employed, as the case may be, in this State is placed in the statement at a less amount than it should be, he shall demand payment of tax upon the amount of capital which he finds is actually employed or to be employed in this State. Subdivision 3. Either the State or the corporation may appeal from the finding of the probate judge to the circuit court in the same manner as may be done when any court of county commissioners passes upon a contested assessment of property for taxation, and the proceeding subsequent to the appeal shall be the same as in such cases. Subdivision 4. No foreign corporation required to pay a tax under this article shall do any business in the State of Alabama not constituting interstate commerce, or maintain or demand any action in any of the courts of this State upon a contract made in this State other than contracts based upon interstate commerce, unless such corporation shall have paid such tax within sixty days after the same became due. Subdivision 5. The payment of the franchise tax required by this article in any one county shall be sufficient, notwithstanding the said corporation may do business or have a resident agent in more than one county. Subdivision 6. The payment of the franchise tax required by this article shall not exempt any corporation paying the same from

the payment of the regular license or privilege tax specified or required for engaging in or carrying on any business for the engaging in or carrying on of which a license is required of individuals, firms, or corporations. Subdivision 7. In addition to the amount of franchise tax required by this section to be paid to the State, the courts of county commissioners or other courts of like jurisdiction may at any regular or special term levy a county franchise tax in such amount not exceeding fifty per cent. of the State franchise tax, for county purposes as in its judgment may be necessary; provided, that payment in one county only shall be required. Subdivision 8. In ascertaining the amount of the annual franchise tax which shall be paid by any foreign corporation doing business in this State under this section, there shall be deducted from the amount of the capital employed by such corporation in this State the aggregate amount of loans of money made by such corporations in this State, and which shall be secured by existing mortgage or mortgages to it on real estate in this State, and upon which mortgages there shall have been paid the recording privilege tax provided by law.

POLL TAX.

Sec. 17. There may be collected as hereinafter provided, from every male inhabitant in this State, over the age of twenty-one years and under the age of forty-five years, not exempt by law, the sum of one dollar and fifty cents as poll tax which shall be applied exclusively in aid of the public school fund in the counties in which it is levied and collected.

Sec. 18. The State auditor, with the approval of the Governor, shall prepare and have printed suitable forms of poll tax receipts, with appropriate blank for name and year for which paid and date of payment, and before the first day of October in each year shall furnish to the several tax collectors blank receipts countersigned by him, sufficient for the probable wants of their respective counties, taking their receipts for the same. Each blank receipt for such poll tax shall have a duplicate attached thereto, on which shall be printed such matter as the auditor may prescribe; the number of such receipts and appropriate blank spaces to be filled in by the tax collector, showing by whom paid, and when and for what year, and shall take and file in his office a proper receipt from the tax collector for the poll tax receipts so furnished him.

Sec. 19. Upon the payment to him by any such person of such poll tax as such person shall offer to pay, the tax collector shall, before detaching said receipt from the stub, fill up the blank spaces in the stub to correspond in all respects with the receipts as given by him to such tax payer, and sign his name to such receipt.

Sec. 20. The tax collector shall by the 15th day of February return to the auditor all unused receipts and stubs so delivered to him, or account to the State auditor for all unused receipts and stubs, and shall also return to the auditor the stubs of all receipts issued by him; after the State auditor shall have charged the collector with all poll taxes collected by him and checked the same as shown by the said stubs, he shall return said stub books to the judge of probate of such county in which said poll taxes were collected for record and file in his office.

Sec. 21. After the first day of February, and before the first day of the next October, the tax collector shall have no authority to receive or receipt for poll taxes due by any person.

Sec. 22. During the months of February or March in each year the tax collector of each county shall prepare and on or before the first day of April following shall file, in the office of the judge of probate of their respective counties an alphabetical list by beats, containing the names of all persons in said county, respectively, who have, on or before the first day of February of the current year, paid a poll tax. Said names shall be entered in a suitable book for that purpose provided at the expense of the county.

Sec. 23. For the service required in the preceding section, when performed, the several tax collectors shall be entitled to the sum of two and one-half cents for each name so entered, to be paid out of the general fund of their respective counties on the warrant of the judge of probate.

THE TAX ASSESSOR AND LISTING OF PROPERTY FOR TAXATION.

Sec. 24. There shall be elected, at the time, in the manner, and for the term provided by law, a tax assessor for each county in the State, who shall perform such duties as are, or may be prescribed by law, and whose term of office shall begin on the first day of October next after his election. The term

of office of tax assessors now holding office shall be extended to said date.

Sec. 25. Before entering upon the discharge of the duties of his office, the tax assessor must execute in duplicate a bond in the sum of two thousand dollars in counties having a population of less than fifty thousand. In counties having more than fifty thousand population, the amount of such bond shall be five thousand dollars. Such bonds shall be payable to the State of Alabama, with sufficient sureties, to be approved by the judge of probate of the county, and conditioned faithfully to discharge the duties of his office which are, or may be, required by law during the time he continues therein, or discharges any of the duties thereof. One of such duplicates must be filed and recorded in the office of the judge of probate, and the other must be filed in the office of the State auditor, on or before September first next after his election.

Sec. 26. He shall also, before entering upon the discharge of the duties of his office, file in the office of the judge of probate of his county an oath in writing that he will faithfully and diligently discharge all the duties which are, or may be imposed upon him by law, and such oath must also be recorded.

Sec. 27. The tax assessor shall be entitled to receive from the tax collector out of the first money collected for the State, giving him duplicate receipts therefor, one of which receipts shall be forwarded to the State auditor by the tax collector, the following commissions on the State taxes, whether general or special, assessed by him (but not on each separately), to-wit:

In counties where the State taxes assessed do not exceed twelve thousand dollars, the rate of commission shall be eight per cent. on the first thousand, four per cent. on the second thousand, and two per cent. on the remainder. In counties where the State taxes assessed exceed twelve thousand dollars, the commission shall be the same up to twelve thousand dollars, and on all above twelve thousand dollars, one and one-half per cent. up to sixty thousand dollars, and one per cent. on the remainder. He shall also be entitled to receive from the tax collector the same rate of commission on the amount of county taxes, whether general or special (but not on each separately), regularly assessed, carried up or extended on the assessment book, giving duplicate receipts to the tax collector for all amounts so paid him. He shall receive five per cent. of the amount of general State taxes upon property assessed by him which has escaped taxation in the previous year, such previous assessment not having been made while he was tax assessor.

Provided, that after the expiration of the present terms of tax assessors, no commission shall be allowed or received on any assessments of any local or special county school taxes.

Sec. 28. He shall not receive commissions on errors made in assessments, on abatements or deductions from assessments allowed to the tax payer, nor shall he, after the abstract book has been turned over to the tax collector, receive commissions on any assessment to which an objection by the tax payer, regularly entered, may then be pending, until such objection has been disposed of and the proper assessment ascertained and determined.

Sec. 29. For making the demand on the tax payer for his list of property to be returned, and for each return of property to "owner unknown," to be charged to the tax payer or property assessed, and collected with the taxes, the assessor shall be entitled to fifty cents, to be entered upon the return and the assessment. But the assessor shall be entitled to only one demand fee against each tax payer. For serving each subpoena for State witnesses or notice issued by order of the county board of equalization, the tax assessor shall be entitled to receive twenty-five cents, to be taxed against the tax payer and collected with the taxes, if the case made against such tax payer be sustained, otherwise he shall receive no fees for the service of such subpoena.

Sec. 30. The tax assessor is authorized to appoint deputies, and the acts of such deputies shall be recognized as his acts, and he shall be responsible for any loss sustained by any tax payer, or by the State or county, by reason of any unlawful act done by any such deputies. Such deputies shall receive no compensation for their services out of the State or county revenue.

Sec. 31. It is the duty of the assessor to have printed, at the expense of the county, a sufficient number of assessment blanks in the form prepared and furnished by the State board of equalization, and upon request of any tax payer, the assessor shall furnish him with a copy or copies for the use of such tax payer in listing his property for taxation. Said blank when filled out and returned to the tax assessor shall be known as the "tax return." Upon demand of any person making a return of property for taxation, the assessor shall furnish him with a copy of such return.

Sec. 32. The return and listing of property for taxation by the tax assessor must commence on the first day of October in every year, and shall be finished by him by the first day of January following; but the assessor may be allowed until

the first Monday in February in each year to make a supplemental return or list of property which he may have failed to have returned or listed prior to the first day of January, and such supplemental return must be entered as any other return, and shall be embraced in the abstracts made for the auditor and collector. The assessor shall also receive and file the awards of all arbitrators in the arbitration of differences between tax payers and county boards of equalization, and shall endorse such awards upon the return of the owner of the property in question.

Sec. 33. Between the first day of October and the first day of January of each year the tax assessor shall, in all counties having a population of one hundred thousand, or less, visit each voting place in each precinct for the purpose of listing property for taxation, and he shall remain there one day from eight o'clock A. M. until four o'clock P. M. In towns, other than county seats, of five thousand inhabitants, or more, he shall remain at the place of appointment for one week, either by himself or deputy; in towns of five hundred inhabitants he shall remain two days; in places of one thousand inhabitants, and not over five thousand, he shall remain at the place of appointment for three days, either by himself or deputy. The assessor shall give at least ten days' notice by advertisement in a newspaper, if there be one published in the county, and by bill posted at five or more public places in each election precinct of the time when and the place where he will attend to receive the tax returns. Upon the failure of the tax assessor to give the notice required by this section, or to attend any appointment made by him in any precinct, he shall, after legal notice, fill new appointments, or forfeit all claims to fees from such persons in such precinct as were disappointed by his non-attendance. In all counties having fifty thousand inhabitants, or more, he shall keep his office open at the court house all the year round, and in all other counties, he shall keep his office open at the court house from the first day of October until the first day of May following, provided that the court of county commissioners, or other court of like jurisdiction, may by order duly entered on its minutes, as other orders and decrees of the court are entered, relieve the tax assessor from making the visits to each voting place in each precinct as above provided, when in the opinion of the majority of the court it is deemed advisable.

Sec. 34. It is the duty of every person liable to taxation in each election precinct to attend in person before the assessor,

on the first day of the appointment, in the precinct of the tax payer's residence, and then and there render to the assessor, under oath, a full and complete list of all the property of which he was the owner, or in which he had any interest whatever, or of which he was trustees or agent, on the first day of October of that year.

Sec. 35. When a tax payer resides out of the county, or by reason of any infirmity or disability, is unable to attend the appointments of the assessor, or is a woman, such tax payer may send in his or her list, duly sworn to, by another person, or by mail, postage prepaid, or such list may be rendered by an agent having knowledge of his or her taxable property. Any person who knowingly subscribes to a list of property which is false is guilty of perjury.

Sec. 36. The assessor, or his deputy or other officer administering the oath to the tax payer must orally administer the following oath to every tax payer before making his returns:

"You do solemnly swear that you will true answers make to all lawful questions which may be put to you touching the returns you are about to make, and that you will make a full and complete return of all the property owned by you, or in which you had any interest whatever, or of which you were trustee or agent on the first day of October of the present tax year, and that you will make a full, complete and true statement of the amount of fire insurance thereon, and this return is made upon your personal knowledge so help you God."

Which oath shall be signed by the tax payer making his return, his agent or attorney, as the case may be.

Sec. 37. After administering the foregoing oath, the assessor, his deputy or other officer shall particularly inquire of the said tax payer as to the items of property and subjects of taxation owned by said tax payer, and for which he is liable to be taxed, and property exempt from taxation, in order that he may elicit from such tax payer a complete statement of the whole amount and specified items of property, and subjects of taxation with which he should be charged for purposes of assessment and taxation, and the same shall be entered upon the proper blank, and the tax assessor, his deputy or other officer administering the oath, shall require the tax payer to give an estimate of the value of each items of personal property for the information of the board of equalization, and the tax payer shall in making his returns state how much fire insurance he carries upon the improvements on his real estate, and how much fire insurance he carries on his personal property, but nothing in this act shall be

construed as requiring the tax payer to make oath as to the value of the property. Each tax payer shall give to the assessor his occupation and postoffice address.

Sec. 38. The description of real estate may be as follows:

1. If it is an entire section, it may be described by the number of the section, township and range.
2. If it is a subdivision of a section, authorized by the United States for the sale of public lands, it may be described by a designation of such subdivision, with the number of the section, township and range.
3. If it is less, or other than such subdivision, it may be described by metes and bounds, or in some way by which it may be known.
4. If it is in a city, town or village, surveyed and laid off, and a plat thereof is recorded in the office of the judge of probate of the county, or if a plat is accessible, and if it is as a whole lot or block it shall be described by the designation of the number thereof, and if it is in a part of a whole lot or block, it may be described by metes and bounds, or in some other way by which it may be known, and it shall not be necessary to insert the quantity of such land in the assessment.
5. If it is a tract of which the subdivision is not known to the assessor, it may be described by metes and bounds, or in some other way by which it may be known or identified.
6. It shall be sufficient to describe lands to be assessed or sold for taxes by initials, abbreviations and figures.
7. Mineral and timber interests, when they have been severed in ownership from the soil by sale, or otherwise, shall be separately returned for assessment.
8. If the surface right only is assessed for taxation, the description of the land may be preceded or followed by the letters S. R., and if the mineral interest only is assessed, the description of the land may be preceded or followed by the letters M. R.

Sec. 39. The property of every minor should be listed by his guardian, if he has one; if he has no guardian, by his father, if living; if the father is dead, by his mother, if living. If the mother is also dead, or is married, by the person having it in charge; of the wife, by the husband, if living and sane, and the parties reside together; if the husband is dead or insane, or he is not living with his wife, by the wife; of any person for whose benefit property is held in trust, by the trustee; of every deceased person, by the executor or administrator; of those whose property is in the hands of receivers, by such receivers; of every firm, or body corporate or politic, by the partner, president, principal officer, or agent thereof; property in the hands or custody of any public officer or appointee of a court, by such officer or appointee; of those absent or unknown, by their

agents; or by the person having it in charge; of insane or idiotic persons of full age, by their guardians, if they have any; if they have no guardian, by the person having it in charge; of the lessors of real property, by such lessors; and all persons herein required to list property for others shall list it separately from their own, and in the name of the owner thereof.

Sec. 40. After the thirty-first day of December in each year, the assessor shall in person, or by deputy, make a demand upon all tax payers who have failed to make returns to him, for a list of their taxable property, and such demand may be made by written notice left with the tax payer at his residence or place of business, or sent postpaid by registered mail with return receipt demanded to the tax payer's last known place of residence, and it shall be the duty of such tax payer to return such lists to the assessor by the first Monday in February following. For making this demand, the tax assessor shall be entitled to a fee of fifty cents to be paid by the tax payer, which shall be added to his tax list, and collected with the tax.

Sec. 41. Every person of full age and sound mind, and every firm and body corporate or politic, shall, when legally called on by the assessor forthwith make him a full, true and distinct statement of all the real and personal property, with a correct description thereof, of which he is the owner or holder, individually or as guardian, parent, husband, trustee, administrator, executor, receiver, accounting officer, partner, agent, or factor, and including all moneys hoarded, held or owned on the first day of October of the current tax year, except moneys on deposit in bank, and except as herein otherwise prescribed.

Sec. 42. It shall be a misdemeanor for any tax payer, or attorney or agent of any tax payer having authority to make tax returns, to fail, neglect, or refuse on demand of the tax assessor to fill out or have filled out the schedule or list herein provided for, or to fail to give the information herein provided for, or to fail, refuse or neglect to take and subscribe to the oath or affirmation required to such tax schedules, or to fail to return the same to the assessor as prescribed by law.

Sec. 43. When any person, or any company, corporation or association, existing under the laws of this State, or under the laws of any other State or county doing business in this State is required to make to the assessor returns of the gross or net receipts, premiums or commissions of such business, and such returns are not made within the time required by law, but shall remain in default for the space of ten days thereafter,

the assessor, after notice to the party required to make such returns, or if he is absent from the county, without notice, shall upon the best information which he can obtain list and make up such returns upon the proper blank describing the property to be assessed, as other items of property are described, noting thereon the failure of the owner after notice to make such return, and the accrual of a penalty of ten per cent. of the value to be assessed thereon.

Sec. 44. Such lists of property returned for taxation shall be, by the assessor, delivered to the county board of equalization not later than the second Monday in January, and all supplemental returns shall be delivered to the said board from time to time, as rapidly as is practicable, but in no event later than the third Monday in February, and all other returns as soon thereafter as is practicable.

Sec. 45. Having failed to procure upon verbal or written demand, from any delinquent his list of taxable property, before the first Monday in February, the assessor shall ascertain from inquiry, or otherwise, the property and other subjects of taxation upon which such person is liable to be taxed, and shall list and make return thereof upon the proper blank, and note on such return the failure of the owner after notice to make such return, and the accrual of a penalty of ten per cent. of the value to be assessed thereon, and deliver the same with other returns to the county board of equalization.

Sec. 46. Whenever the assessor shall discover that any property has escaped taxation in any assessment within five years next preceding, he shall list and return said property for taxation for the years during which the same has so escaped, and shall also endorse on such return the year or years for which the property has escaped taxation, and the accrual of a penalty of ten per cent. of the value to be assessed for one year, and deliver the same with other returns to the county board of equalization.

Sec. 47. No penalties assessed against any property owner or his property, for failure to return property for taxation shall be remitted except by order of the county board of equalization, upon proof that the delinquent taxpayer was absent from the State, and had no resident agent therein during the time for making returns of property for taxation, or when such tax payer labors under disabilities of minority, or is a lunatic, or upon proof made that he was unable by reason of sickness to make returns in the time required by law.

Sec. 48. It shall be the duty of the judges of probate, registers in chancery and the clerks of the circuit court and city courts, or the clerks of other courts of record in this State, to notify the tax assessor of each county of the appointment of every administrator, executor, guardian, trustee, accounting officer or receiver within five days after such appointment.

Sec. 49. Whenever the tax assessor knows or learns of any property subject to taxation in his county, the owner of which he does not know, and which is not embraced in any return made to him prior to the first Monday of February by any taxpayer, he shall list and make up on the proper blank a return describing said property according to the best information he can obtain, and list the same to "owner unknown," and in any notice or advertisement or motion for a decree of sale, it shall be described as so returned, and he shall also note the failure of the owner to make such return, and also shall note the accrual of a penalty of ten per cent of the value to be assessed thereon, and deliver the same with other returns to the county board of equalization. No lands shall be returned to "owner unknown" until the assessor shall have made a demand upon the person, if resident in the county, or by registered mail, if a non-resident, whose address is known, to whom such lands or property were last assessed, in the event said lands or property have been assessed, and the said assessors shall make diligent inquiry to ascertain the name of the owner of said lands or other property. Any assessor or deputy assessor who fails to comply with the requirements of this section shall be guilty of a misdemeanor.

Sec. 50. The assessor shall be entitled to the same fees for making returns of property which has escaped taxation as for making returns of property after a demand made by him on the tax payer. In case of lands lying in one body other than lands platted and subdivided into lots, the return shall be made on said lands as a whole, unless the assessor has reason to believe that they belong to different owners, in which case when lands lying in one body and supposed to belong to the same owner, must be included in one return, and no fee shall be allowed the assessor for any return made in disregard of this provision, but the assessment of any such property thereafter made shall not for that reason be invalid.

Sec. 51. The assessor must make and enter in an assessment book suitably ruled and substantially bound, a condensed statement of all assessments made during each tax year, showing in separate columns the name of the owner, a description of the real estate, the assessed value thereof, the value of the personal

property assessed for taxation, and the assessor shall compute and enter opposite the name of each tax payer the aggregate amount of State, county and special taxes with which such tax payer is charged. When the county board of equalization has completed its hearing of objections to assessments and the boards of arbitration have made their award, the tax assessor shall complete the said book by making the proper entries therein, and foot up at the bottom of each page the aggregate amount of such taxes and carry his footings from page to page and show in conclusion the aggregate of all such taxes. Provided that in all counties which may now have, or which may hereafter have property, the assessed valuation of which amounts to one hundred million dollars, the assessor shall not be required to prepare a book of assessments as provided for in this section, but in lieu thereof shall be required to arrange in alphabetical order original assessment lists, and cause the same to be permanently bound, and such assessment lists, when bound shall constitute the book of assessments as herein provided, and the certificate of the chairman of the county board of equalization provided for in the next section, shall be entered upon each of said bound volumes of assessments. Such assessment lists when bound shall be preserved for a period of ten years, and provided further, that in making the tax collectors abstracts, such abstracts shall be made direct from the assessment lists.

Sec. 52. After the book of assessments has been completed as herein provided, the chairman of said county board of equalization shall certify on the book of assessments that the same has been examined, corrected and approved by the county board of equalization, and that the amount of State taxes is \$....., the amount of county taxes is \$....., the amount of special taxes is \$....., specifying the total amount of each of such taxes, and such certificate is to be the warrant to the collector of the county to proceed to collect such taxes in the manner directed by law. The board of equalization shall not allow the tax assessor, nor tax collector nor their deputies nor employees to participate in any way in the examination and approval of the book of assessments required to be made by this act.

Sec. 53. When the book of assessments has been completed as herein provided, the chairman of the county board of equalization must, without delay, make out in duplicate, upon forms to be furnished by the State auditor, a complete abstract of all real and personal property, as contained in the assessment book of

his county, showing the total amount and value of each class of taxable property, and property exempt from taxation, and the amount of tax on each item extended in a column, one of which he must forward to the auditor not later than the first of October of each year, and the other he must deliver to the tax collector by said date. The State auditor shall report to the Governor any tax assessor who for ten days after the time required, has failed to forward to the State auditor the abstract of assessment of his county, and the Governor shall forthwith require of such tax assessor an official report of the cause of such failure.

Sec. 54. After the book of assessments has been completed as herein provided, the tax assessor must enter in a book, in concise form, the amount of taxes assessed against each taxpayer, showing separately the amount of taxes on real estate and personal property and other subjects of taxation, and the fees of the assessor, with a blank for the fees of the collector; and such book he must turn over to the tax collector on or before the fifteenth day of September.

For the services rendered by him in the preparation of such book, he shall receive compensation to be allowed by the court of county commissioners as follows, viz.: In counties where the aggregate assessed value of real and personal property amounts to two million dollars, or less, seventy-five dollars; when the assessed values amount to more than two and not exceeding four million dollars, one hundred dollars; when the assessed values amount to more than four million and not exceeding six million dollars, one hundred and twenty-five dollars; when the assessed values amount to more than six and not exceeding eight million dollars, one hundred and fifty dollars; and when the assessed values amount to more than eight million dollars, such compensation as may be fixed by the court of county commissioners, not less than two hundred dollars, and not exceeding three hundred dollars, but any tax assessor who fails to complete such abstract by the time required shall forfeit all right to compensation.

Sec. 55. It is the duty of the tax assessor of every county in this State to procure at the expense of the county a book in the form to be prescribed by the State board of equalization, in which he shall enter a complete map and list of all the blocks and lots which have been platted, and the maps of which are recorded in the office of the judge of probate or can be procured within his county, beginning with the lowest numbered block and lot and proceeding in numerical order to the highest, with

the name of the owner set opposite each block and lot. Each subdivision or addition to any town or city shall be shown by proper headings at the top of each page of such lot book, and by an index in the front thereof, provided that if such plat books have already been made, the assessor shall annually make the entries thereon without compensation.

Sec. 56. The assessor shall make a complete plat book or books of all real estate in his county, unless such book or books have already been provided, in a form to be prescribed by the State board of equalization, in which the name of the owner shall be entered on each separate plat or subdivision where the same is practicable. The court of county commissioners, or court of like jurisdiction, shall pay the assessor for making out the plat book required by this and the preceding section, a sum not exceeding one hundred dollars in counties of twenty-five thousand inhabitants, and upwards, and fifty dollars in counties of less than twenty-five thousand inhabitants.

Sec. 57. It is the duty of the tax assessor of every county in this State to procure at the expense of the county, a book in the form to be prescribed by the State board of equalization, in which he shall enter a complete list of all the land in the county by the smallest subdivisions, beginning with the lowest section, township and range, and proceeding in numerical order to the highest, with the name of the owner set opposite each subdivision, and indicating the same by initial letters, abbreviations and figures, in a marginal column on the left of every page. The assessor shall list such lands each year by comparing the list of the preceding year with the assessment sheet and with the list of lands bid in by the State for taxes, as furnished by the State auditor, and with the supplement to the county tract book, as furnished the judge of probate by the secretary of State.

Sec. 58. For the services rendered by the assessor with respect to the land book and lot book showing the lots and the owners thereof in the county, he is entitled to compensation, to be allowed by the court of county commissioners and paid by the county as follows: In counties whose population does not exceed ten thousand inhabitants, not more than one hundred dollars; in counties whose population exceeds ten thousand inhabitants and does not exceed twenty thousand, not more than one hundred and fifty dollars; in counties whose population exceeds twenty thousand inhabitants, and does not exceed thirty thousand, not more than two hundred dollars; in counties whose population exceeds thirty thousand inhabitants and does not exceed forty thousand, not more than two hundred and fifty

dollars; in counties whose population exceeds forty thousand inhabitants, and does not exceed eighty thousand, not more than three hundred dollars; in counties whose population exceeds eighty thousand inhabitants, not more than four hundred dollars. But compensation for making such books shall not be paid until the court has examined said book and found the same complete in all respects.

Sec. 58½. Such maps and plat books shall be kept in the office of the tax assessor, open to the inspection of the public at all times when not in use by the assessor or the board of equalization; provided, that in those counties where the office of the tax assessor is not kept open for the entire year, said records shall when the office of the tax assessor is closed, be deposited in the office of the judge of probate of the county.

Sec. 59. It shall be the duty of the court of county commissioners, or other court or board of like jurisdiction, at the regular February term in each year, to levy the amount of general taxes required for the expenses of the county for the current year, not to exceed one-half of one per cent of the value of the taxable property as assessed for revenue for the State as shown by the book of assessments after it shall have been corrected, and at the same time levy the amount of special taxes required for the county for the current year, not to exceed one-fourth of one per cent, which levy shall be made upon the same basis of valuation provided above, and when such levy shall be made, to certify the rate or rates of taxation, and the purpose or purposes for which the tax is levied to the tax assessor of the county.

Sec. 60. The tax assessor when receiving the tax returns shall require each taxpayer to state his or her occupation, and he shall on or before the tenth day of January of each year prepare and deliver to the judge of probate a list of all taxpayers who are liable to pay a privilege or license tax to the State, and who shall have made returns of their property for taxation before January first, and shall also on or before the tenth day of March of each year, prepare and deliver to the judge of probate a supplemental list of all persons liable to pay a privilege or license tax, who have made return of their property for taxes, or who have been returned as escapes or delinquents since the making of the first list by the assessor.

Sec. 61. When the assessor has reason to believe that any person who has been assessed is about to leave the county, he shall at once notify the tax collector, in writing, and on his failure to do so, he shall be liable for the full amount of the taxes due, or to become due upon such assessment.

COUNTY BOARD OF EQUALIZATION.

Sec. 62. There is hereby created in each county in this State a county board of equalization, to be composed of three freeholders, over thirty years of age, and residents of such county who shall be appointed as hereinafter provided for a term to expire on the first day of October, 1919, after which the term shall expire on the first day of October of each fourth year thereafter.

Sec. 63. The court of county commissioners, or other court or board of like jurisdiction in each county, within thirty days after the passage of this act, and every fourth year thereafter, shall appoint one such freeholder to be a member of said board, and shall immediately certify to the State board of equalization the name and address of the person so appointed, and shall also certify such appointment to the judge of probate of the county, who shall issue a commission to such freeholder to serve as a member of said board during the term for which he was appointed, and until his successor is appointed and commissioned. In the event any court of county commissioners, or other court or board of like jurisdiction in any county shall fail or refuse to appoint such member of said board as herein required, and certify the fact of such appointment to the State board of equalization, the Governor of the State is hereby empowered and directed to make such appointment on certificate by the judge of probate of such failure.

Sec. 64. Before the first day of October, 1915, and every four years thereafter, the State board of equalization shall appoint one such freeholder in each county of the State to be a member of the board of equalization in such county, and shall certify the name of such freeholder to the probate judge of the county, who shall thereupon issue a commission to such freeholder to serve as a member of said board during the term for which he was appointed, and until his successor is appointed and commissioned.

Sec. 65. That within ten days after the appointment of the second member of said board, the two members so selected shall meet and elect a third member of said board for the term for which they have been commissioned, and the member so elected shall be the chairman thereof, and they shall certify to the judge of probate over their signatures the name of the freeholder so elected and the judge of probate shall thereupon issue a commission to such freeholder as a member of said board, and shall immediately notify the State board of equalization of such ap-

pointment, giving the name and address of the person so appointed; provided that if the two members first selected shall fail or refuse within the time above specified to select the third member of said board, such failure shall by the judge of probate of the county be immediately certified to the Governor of the State, who shall thereupon appoint and commission such third member of said board, who shall be the chairman thereof.

Sec. 66. That such resident freeholders shall be selected as members of said board as far as possible, with a view to their respective knowledge of the value of taxable property in the county, and their selection shall be limited to no profession, occupation, or calling, but no member of said board shall hold any elective office of profit under this State, or any political subdivision thereof during the term for which he was appointed and commissioned, or for one year thereafter.

Sec. 67. Each member of said board before entering upon his duties, in addition to taking the regular oath of office, shall take and subscribe to the following oath before the judge of probate of said county:

"I do hereby solemnly swear that I am over thirty years of age, and a resident freeholder of.....county, Alabama, that I will faithfully, honestly, and without fear or favor discharge my duties as a member of the board of equalization forcounty, and that I will fix the valuation of all property listed for taxation or submitted to me for valuation at sixty per cent of its reasonable cash value to the best of my judgment and ability, so help me God."

Such oath shall be filed and recorded on the minutes of the commissioners' court, or court or board of like jurisdiction.

Sec. 68. The tax assessor of the county shall be ex-officio secretary of the county board of equalization, and as such, shall keep the records of said board.

Sec. 68½. That any vacancies occurring on any county board of equalization shall be filled in the same manner as the member or members were originally chosen; provided that members who shall be selected to fill such vacancies, shall serve for the unexpired term.

Sec. 69. The members of the county board of equalization shall be subject to impeachment in the same manner and for the same causes as members of the court of county commissioners, or other courts of like jurisdiction in this State.

Sec. 70. The members of said board shall receive such reasonable compensation for the services herein required as may be fixed by the court of county commissioners, or other court or

board of like jurisdiction for their respective counties, provided it shall not be less than three dollars nor more than six dollars except that in counties of more than seventy-five thousand population they may be paid not more than ten dollars per day each, together with such reasonable allowances for necessary incidental expenses as said court may deem proper, but they shall be entitled as a matter of right to such cost of transportation as may have actually been incurred by them in the discharge of their duties under the provisions of this act, and the board shall once each month certify to the court of county commissioners, or other court or board of like jurisdiction, the number of days each member was engaged during such month, and also the expense incurred during such month, and the compensation for such services and such expenses, if approved, shall be paid as other bills of the county are paid. Provided that in all counties having a population of less than seventy-five thousand inhabitants according to the last Federal census, the county board of equalization shall not remain in session for the purpose of visiting, inspecting, examining, equalizing and valuing the real property of the county for a longer period than three months, and in counties having a population of more than seventy-five thousand inhabitants, the county board of equalization shall not remain in session for a longer period than six months.

Sec. 71. In all counties in this State having a population of more than seventy-five thousand inhabitants, according to the last preceding Federal census, the county board of equalization immediately after the second Monday in October, 1915, and every year thereafter, and in all counties in the State having a population of less than seventy-five thousand inhabitants, according to the last preceding Federal census, the county board of equalization, immediately after the second Monday in January, 1916, and every year thereafter, except as provided by the next succeeding section of this act, shall begin the valuation and equalization of all the taxable property in the county for which they were appointed, for the assessment of taxes to be levied thereon during the fiscal years, beginning October 1st, 1915, and each year thereafter. The valuations of all the real property shall be entered by the tax assessor upon the "Land and Lot Books" of the county, which books shall be substantially bound and suitably ruled, so that the description of the real estate, the name of the owner and the valuation of the real estate and improvements as fixed by the county board of equalization, or as may be fixed by arbitration, may be shown thereon, and said books shall be so ruled that they will form a record to be used by

the county board of equalization through a period of four years. The form of such land and lot books shall be prescribed by the State board of equalization, and said board shall after thirty days' notice by advertisement once a week for four successive weeks in a daily newspaper published in Birmingham, Mobile, and Montgomery award a contract to the lowest responsible bidder, who shall agree to furnish said books of the quality, in the form and within the time stipulated by the State board of equalization to all counties of the State. The cost of said books shall be paid by the respective counties upon the certificate of the State board of equalization.

Sec. 72. Whenever any assessment of real property shall have been made by the county board of equalization, or the value fixed by a board of arbitration, the value thus fixed shall be and remain the taxable value of such property for a period of four years, dating from the first day of October preceding, and the county board of equalization shall not be required to again view, inspect, value and equalize the same during such four years' period, unless a revaluation and equalization shall be made by the order and direction of the State board of equalization, in which event the valuation thus fixed shall be and remain the taxable value of said property until the next quadrennial period of assessment, or unless there shall be a change in the value of such real property, or the buildings, structures, or the improvements thereon, caused either by the destruction of or damage to said buildings, or by the erection or construction of new buildings, structures or improvements, or by the removal of minerals from said land, or by cutting the timber therefrom, in which event the assessment shall be increased or reduced by the county board of equalization to the extent only of the increase or reduction in the value of such real property by reason of the changes above named, provided that the county board of equalization shall not be required to view, inspect, value or equalize real property on which there has been no change or alteration of such real property or improvements thereon as above described, except at each quadrennial period of assessment.

Sec. 73. The county board of equalization shall visit, inspect, examine, equalize and value each piece and parcel of real property in the county, and after such inspection and examination thereof, shall cause to be recorded upon the land and lot book sixty per cent of the reasonable cash value of such real property. In fixing the value of real estate for taxation, the county board of equalization shall consider its location, whether in town, city or country, and whether it is vacant, lying idle or

so occupied and in use, and if occupied and in use, the rent derived therefrom, its proximity to local advantages, its quality of soil, growth of timber, quarries, mines or minerals, and the amount and character of improvements thereon. Where land is assessed as acreage, the valuation shall be fixed for each forty acres, or fraction thereof, and when real estate has been platted and divided into lots, it shall not be thereafter assessed as acreage. The opinion of the majority of said board shall govern in the valuation and equalization of values of all property. The said board may issue subpoenas to witnesses, and may require the owner or occupant, or person in possession of such property, to give them any information in his knowledge with regard to the value of such real estate, the rents, income, and profits therefrom, and said board may require the production for inspection of all fire insurance policies on the improvements for the current or preceding year. The said board shall also, as far as practicable, view, inspect, value and equalize all taxable property shown by the tax returns, and cause to be recorded thereon sixty per cent of the reasonable cash value thereof.

County boards of qualization are hereby authorized and empowered, by and with the consent of the State board of equalization, to employ such expert assistants as said county board may deem necessary for the proper valuation of the property of the county. Such expert assistants so employed shall receive such compensation as shall be agreed upon by the county board of equalization, with the concurrence of the State board, which compensation shall be paid as hereinafter provided.

Sec. 74. The valuations fixed by the county board of equalization on the real property and improvements for the purpose of taxation, shall be transcribed by the assessor from the land and lot book to the assessment lists returned by the taxpayers, and the county board of equalization shall annually fix and equalize the value of the personal property of each taxpayer, as shown on the assessment lists, and such valuation shall be entered thereon by the assessor. The values so fixed by the county boards of equalization and returned to the tax assessor shall be the taxable value of all property so valued and equalized by them, provided that in the event the value of the real or personal property of any taxpayer is increased by the board of equalization over the assessed value thereof for the preceding year, the taxpayer shall be furnished by mail or in person with a statement showing separately the valuation of his personal property and his real property and also that the board will convene to hear objections to the valuation and to correct errors on

the third Monday in June, which notice shall be given on or before the second Monday in June; but failure to receive or give such notice shall not affect the assessment. "The expense of postage incurred by the tax assessor in carrying out the provisions of this section shall be paid in equal proportions by the county and the State upon a certified statement thereof by such assessor filed with the court of county commissioners and the auditor of Alabama."

Sec. 75. It shall be the duty of the county board of equalization to carefully examine and inspect all tax returns and assessments delivered to them by the county tax assessor, and if they find that any taxpayer has neglected to make a return, or has omitted from his returns any property that should be returned, it shall be their duty to make up a return on the proper blank with a description of the property to be assessed, which property they shall then proceed to value and equalize in the same manner that other property is valued and equalized by them; and to the value placed thereon by the board shall be added a penalty of ten per cent for the failure of the owner of such property to properly return the same.

Sec. 76. When the county board of equalization shall have completed its work of valuing and equalizing all the property subject to taxation in the county, and such valuation shall have been entered upon the land and lot book, and transcribed to the assessment lists, which shall not be later than the second Monday in May, 1916, and the second Monday in May of each year thereafter, they, or any two of them, shall certify over their signatures to the correctness of the tax returns, showing the values fixed by them, and deliver them to the tax assessor of the county as their report, and the tax assessor shall hold them in his office open to public inspection. The tax assessor shall then give notice by publication once a week for three consecutive weeks in a newspaper published in the county, if any be published in the county, and if no newspaper is published in the county, by posting notices in at least three public places in each precinct of the county, that the county board of equalization has returned its report, and that the same is open to inspection, and that said board will convene at the court house in the county on the third Monday in June to correct any errors in the assessments or valuations, and it shall be the duty of the board to see that such notice is given.

Sec. 77. It shall be the duty of the county board of equalization in each county to sit at the court house in their respective counties on the third Monday in June in each year from nine A.

M. to four P. M. and shall continue for at least one week, and as much longer as may be necessary, provided they do not sit beyond the first day of August, and provided further that where there is more than one court house in a county the time of such sitting shall, as near as practicable, be equally divided between the respective court houses thereof, for the purpose of hearing objections, if any, to the assessments or the valuations so fixed by said board, and at such meeting any property owner may appear in person, or by agent or attorney, and make his objections to any assessment or valuation made by the board, and produce evidence in support thereof, and it shall be the duty of the board to examine under oath any complaining property owner and to examine any other witnesses under oath as to the reasonable cash value of the property of such owner, and if it is found from the evidence that the valuation placed by the board on the property was not sixty per cent of the reasonable cash value of such property, then they shall correct the valuation or assessment, so that it will show sixty per cent of the reasonable cash value, and such corrected amount shall constitute the taxable value of said property, but if the board shall find from all evidence that the valuation placed on the property was sixty per cent of the reasonable cash value thereof, then said valuation shall stand as the taxable value of said property. If any tax payer is dissatisfied with the action of said board of equalization, he may within five days from the adjournment of said board give notice in writing to said board that he demands an arbitration, giving at the same time the name and address of his arbitrator, which said notice shall be filed with the tax assessor; the board shall name its arbitrator within three days after, and these two arbitrators shall select a third. If the arbitrators so selected do not within five days select an umpire, either arbitrator shall notify the State board of equalization of such failure, and such board shall forthwith appoint an umpire, and the arbitrators so selected shall ascertain and fix sixty per cent of the reasonable cash value, as the taxable value of such property, and shall make report in writing to the tax assessor, and the decision of said arbitrators shall be final. The tax assessor shall in the case of personal property enter the valuations fixed by the arbitrators on the assessment lists, and in the case of real estate, he shall enter such valuations on the assessment lists and on the land and lot book also; and said assessment lists and land and lot book shall be properly ruled and printed so as to provide space in which such entries can be made. The said arbitrators shall render their decision and make

report thereof within ten days from the date of the naming of the umpire, else the decision of the county board shall stand affirmed, and shall be binding in the premises. Before entering upon a hearing, the said arbitrators shall take an oath before the judge of probate, or his chief clerk, that they will faithfully and impartially ascertain the reasonable cash value of the property, and fix sixty per cent thereof as the taxable value of the same, and will determine all matters submitted to them according to law, justice and equity of the case.

Sec. 78. When the county board of equalization shall have completed the work of hearing objections against the valuations fixed by it on taxable property, they, or any two of them, shall certify the correctness of the changes or alterations made in the tax returns and showing the items and values to be fixed by arbitration, and deliver the returns to the tax assessor of the county, which changed or altered valuations, and the value fixed by the award of the arbitrators shall be the taxable value of the property or properties.

Sec. 79. County boards of equalization in the performance of their duties under the provisions of this act, shall have the same powers and authority now vested in courts of county commissioners, or other courts of like jurisdiction. The opinion of a majority of said boards shall govern, and at all times two members of said board shall constitute a quorum. All laws or parts of laws conferring upon commissioners' courts, boards of revenue or courts of like jurisdiction, any power, authority or control over the valuation, equalization or assessment of property for taxation are hereby repealed.

Sec. 80. The county board of equalization shall have and exercise exclusive right in their respective counties to fix the taxable value of all property therein not specifically required to be assessed by the State board of equalization, subject only to the right of arbitration, and to that end may be convened in special session at such time as in the judgment of the chairman or a majority of said board, or the State board of equalization, is deemed necessary.

Sec. 81. Nothing herein shall be construed to require the county board of equalization to value railroad property, telegraph or telephones lines, or any other property heretofore assessed by the State board of assessment, or required by this act to be assessed by the State board of equalization.

Sec. 82. The failure of the county board of equalization to perform any of its duties at the time prescribed or to complete

its duties within the time specified by this act, shall not invalidate any assessment or any act of the board made after the expiration of such time. The duty of the county board of equalization to visit, inspect and examine each piece and parcel of real property in the several counties is directory and a failure to do so shall not invalidate the assessment made by such county board of equalization.

Sec. 83. Whenever under the provisions of this act any notice, subpoena or writings are required to be given or served, the same may be served by any sheriff in this State or his deputy, or by any lawful constable, or by any tax assessor of this State except as herein otherwise provided.

STATE BOARD OF EQUALIZATION.

Sec. 84. There is hereby created a board to be known as the State board of equalization, to be composed of a chairman and two associate members, who shall be appointed by the Governor. The Governor shall appoint one member whose term shall expire on October 1st, 1917, one member whose term shall expire on October 1st, 1919, and one member whose term shall expire on October 1st, 1921, and the Governor, at the time of the appointment, shall designate which of said appointees shall be chairman of said board, and such terms shall begin on the date of the appointment by the Governor. Upon the expiration of the terms of the members of said board appointed by the Governor, he shall appoint the successors of such members for a term of six years, and thereafter the members of said board shall likewise be appointed by the Governor for a term of six years. In case of a vacancy in said State board of equalization caused at any time by death, resignation, removal or otherwise the vacancy shall be filled by appointment by the Governor, and such appointment shall be for the unexpired term.

Sec. 85. The members of the State board of equalization shall be qualified electors known to possess high character and knowledge of the general subject of taxation, and matters pertaining thereto. No member of said board shall hold another office under the government of the United States, or under any other State or this State, or any political subdivision thereof, during the term of office; and the members of said board shall devote their entire time to the duties of their office, and shall not hold any position of trust or profit or engage in any occupation or business, the duties or conduct of which shall interfere or be inconsistent with the duties they shall assume as members

of the State board of equalization under the provisions of this act. Provided, that no one shall be eligible to serve as a member of the State board of equalization while employed by or financially interested in any public service corporation, and shall have been a citizen of Alabama for a period of five years, and shall be over thirty years of age, and shall be a freeholder.

Sec. 86. The members of the State board of equalization before entering upon the discharge of their duties, shall enter into bond in the sum of \$5,000 for the faithful performance of his duties which bond shall be approved by the Governor, shall take, subscribe, and file with the secretary of State the following special oath of office in addition to the general oath of office prescribed for public officers by the Constitution of Alabama, to-wit: "I,....., do hereby solemnly swear that I will faithfully, impartially, perform all the duties of office as a member of the State board of equalization of Alabama, to which I have been elected (or appointed) and which I now assume, without fear or favor, bias or thought of personal gain, or advantage, to the best and utmost of my ability, capacity and power." This oath shall be taken before any officer qualified to administer oaths in the State of Alabama, and thereupon shall be filed with the secretary of State.

Sec. 87. The members of the State board of equalization shall each receive a salary of three thousand dollars per annum, such salary to be paid out of the State treasury in the same manner as salaries of other State officers are paid.

Sec. 88. The chairman of the said board of equalization may appoint a secretary at a salary of not more than twenty-four hundred dollars per annum, which salary shall be paid in the same manner as salaries of other State officers are paid. Said board may employ such other persons as experts, engineers, stenographers and assistants as may be necessary to properly perform the duties which may be required of said board, and said board shall fix the compensation of such other persons with the approval and concurrence of the Governor. Such compensation to be paid out of the State treasury upon warrant drawn by the State auditor on a certificate or voucher of the chairman of the State board of equalization, approved by the Governor, but the amount to be expended by said board for experts, engineers, assistants and stenographers employed by county boards of equalization by and with the consent and approval of the State board, and all other expenses of every nature and character whatsoever incurred by the State board of equalization shall not exceed twenty-five thousand dollars per annum

for the fiscal year beginning October first, 1915, and for each fourth year thereafter, and for every other year shall not exceed the sum of ten thousand dollars, and said sums of money are hereby appropriated for such purpose.

Sec. 89. It shall be the duty of said State board of equalization, and it shall have power and authority—1. To have and exercise general and complete supervision over the valuation, equalization and assessment and collection of taxes and the enforcement of the tax laws of the State, and over the several county tax assessors, tax collectors, and county boards of equalization in the several counties of the State charged with the duties of assessing or collecting escaped and delinquent taxes in the several counties of the State, and over each and every State and county official charged with the duty of valuing, equalizing, assessing, collecting or enforcing the payment of taxes and licenses to the State or to any county in the State, to the end that all assessments on property, privileges, and franchises in the State shall be made in exact proportion to the just and true value thereof in substantial compliance with the law. 2. To confer with, advise and direct all assessors, collectors of State and county taxes and county boards of equalization, as to their duty under the laws of this State. 3. To direct actions, prosecutions, and proceedings to be instituted to enforce the laws of this State relating to penalties, forfeitures, liabilities and punishment of public officers and officers or agents of corporations, companies, or associations, or persons for failure or neglect to comply with the provisions of the law governing the return, assessment and taxation of property, privileges, and franchises in this State, and to cause complaints, information, action or prosecutions to be made or instituted against any tax assessor or tax collector in the proper court, or to the proper judge of any court, for the removal from office of such officers for official misconduct or neglect of duty. 4. To require county or circuit solicitors, and the attorney general of the State, to commence and prosecute actions, proceedings, and prosecutions for penalties, forfeitures, impeachments and punishments for violations of the laws of the State in respect to the valuing, equalizing, assessment and collection of taxes and the enforcement of taxation of property, privileges, and franchises subject to taxation, within the respective jurisdiction or spheres of official duty of said officers. 5. To require any county officer or other public officer in the State to report information as to the valuation, equalization and assessment of property, collection of taxes, receipts from

licenses and other sources, methods of taxation, values of franchises or intangible property or assets, subject to taxation, and such other information as may be needful in the work of the State board of equalization, in such form and upon such blanks as the board may prescribe. 6. To require individuals, partnerships, companies, associations, and corporations, and the agents, officers, and employees thereof, to furnish information concerning their capital, funded or otherwise, current assets and liabilities, value of franchises, value of property, earnings, operating and other expenses, bonds, deeds, conduct of business, and all other facts, records, papers, documents, or other information of any kind demanded which may be needful in order to enable the board to ascertain the value and relative burden to be borne by every kind of property in this State, but where a person, partnership, corporation, company or association is not engaged in a business which is subject to a tax on gross receipts, or on capital employed in this State, or on franchise or on intangible property, the board shall not inquire into nor shall it require information as to the liabilities, earnings, profits, and loss, expenses, or conduct of business of such persons, partnerships, company, association or corporation. 7. To summon witnesses to appear and give testimony, and to procure records, books, papers, documents, and all other information of any kind or character required relating to any matter which the board shall have authority to investigate and determine. The witnesses may be summoned by subpoena issued by any member of the board, or by the secretary thereof, in the name of the board, directed to any sheriff of Alabama, and returnable to the board, which subpoenas may be served in like manner as subpoenas issued out of any circuit court; or the subpoenas may be served by registered mail, addressed to the witness with return receipt demanded. In either case the subpoenas must be served at least five days previous to the time named therein for the appearance of the witness. Subpoenas duces tecum to any witness to appear and produce any records, books, papers or other documents, may be issued and served in like manner; provided that no officer of any bank or banking institution shall be required to disclose to the board or any of its agents or clerks the deposits of its customers. 8. To cause the deposition of witnesses residing within or without the State to be taken upon such notice to the interested party, if any, as the board may prescribe, in like manner as depositions of witnesses are taken in actions pending in the cir-

cuit court of the State, in any matter which the board has authority to investigate or determine. The depositions shall be taken upon a commission to be issued by the State board of equalization, or the secretary thereof, in the name of the board, and returnable to the board. 9. To visit in a body or separately the several counties in the State for the purpose of investigating the works and methods adopted by county assessors, collectors, county boards of equalization, or other officers or boards charged with the duty of valuing, equalizing, assessing, collecting, determining, or adjusting the taxation of real and personal property in this State, or in any county thereof; to examine carefully into all cases where evasions or violations of law established for the valuation, equalization, assessment and collection of taxes on property are alleged, complained of, or discovered, and to ascertain wherein existing laws are defective, or are improperly or negligently administered, and to report the result of the investigation and the facts ascertained to the Governor from time to time when required by him. 10. To investigate the tax systems of other states; to formulate and recommend such legislation as may be deemed expedient to prevent evasions of any laws of the State relating to taxation, and to secure just and equal taxation and improvements in the system of taxation in this State. 11. To consult and confer with the Governor upon the subject of taxation and the administration of the laws in relation thereto, and the progress of the work of the board, and to furnish the Governor, from time to time, such information as he may require. 12. To transmit to the Governor, thirty days before the meeting of the Legislature, a written report showing all the taxable property in the State and the value of the same, in tabulated form, with recommendations for improvements in the system of taxation in the State, together with recommendation of such measures as the board may formulate for the consideration of the Legislature in regard thereto.

Sec. 90. The secretary of said board shall keep full and correct minutes and records of all hearings, transactions and proceedings of the board, and shall perform such other duties as may be required of him by law, or by said board from time to time. The board shall make all needful rules not inconsistent with the law, for the orderly, efficient and methodical performance of its duties, and for conducting hearings and other proceedings before it.

Sec. 91. Oaths to witnesses in any matter under the investigation or consideration of the board may be administered by any member of the board, or by the secretary thereof.

Sec. 92. The State board of equalization shall have and maintain its office in the State capitol at Montgomery, and shall be provided with suitable rooms, necessary office furniture, supplies, stationery, books and maps, and all expenses of the board incurred in the discharge of its duties, and the administration of its functions shall be paid by the State treasurer out of the appropriation herein before made for the annual expenses of the State board of equalization upon a warrant drawn by the State auditor on the certificate or voucher of the chairman of the board, approved by the Governor.

Sec. 93. That the State board of equalization shall perform all the duties now required by law to be performed by the State board of assessments, and all the duties now required by law to be performed by the State tax commission of Alabama, and said board of equalization in the discharge and performance of its duties shall have all the power now conferred by law upon said State board of assessments, and said State tax commission of Alabama, which are not in conflict or inconsistent with the provisions of this act, and the State board of assessments, and the State tax commission of Alabama are hereby abolished.

Sec. 94. That all reports which are by law required to be made or filed with the State tax commission of Alabama, or the State board of assessments, at the time of the passage of this act shall hereafter be made to and filed with the said State board of equalization.

Sec. 95. All members of the State board of equalization, and the secretary of the board, and all stenographers, experts, engineers, and assistants who may be employed by the board, shall be entitled to receive their actual necessary expenses while traveling or acting on the business of the board; such expenses to be itemized and sworn to by the person who incurs the same, and shall be approved by the chairman of the board, or by a majority of the members thereof, and also by the Governor, and shall be paid by the State treasurer out of the appropriation herein before made for the annual expenses of the State board of equalization upon warrant drawn by the auditor.

Sec. 96. All employees of the State board of equalization shall be subject to the order of the board, and may be removed by the board with or without cause.

Sec. 97. That it shall be the duty of the State board of equalization to carefully examine the tax abstracts and all tax returns of the several counties of this State filed in the office of the auditor, and to compare said tax abstracts and tax returns for the purpose of ascertaining whether the tax valuation of the various

classes of property as made by the respective counties of the State is reasonably uniform as between the respective counties. It is the purpose and intent of this act to bring about as far as practicable an equalization throughout the State of the values of the various classes of property subject to be taxed, so that values fixed in one county shall not be out of due proportion to values fixed in other counties on the same classes of property. If it shall appear to said State board of equalization, that in any one or more counties of this State or in any municipality or precinct of any county the taxable values fixed upon any one or more classes of property are not reasonably uniform with the values fixed upon the same classes of property in the other counties, the said State board of equalization shall investigate and inquire as to the reason therefor, and after making such investigation and comparison, shall have authority to order and direct the county board of equalization to readjust and re-equalize the same for either the current or succeeding tax year, either by adding a fixed percentum to the total valuation of any class of property in any county or in any precinct or municipality therein, if they find the valuation too low; or by deducting a fixed percentum from the total county, precinct or municipal valuation of any class of property in any county, or in any precinct or municipality of any county, if they find the valuation too high, as may be just and right between the counties, precincts or municipalities, and so re-value and re-equalize each item of such class of property that each such item of property will bear its just proportion of the raise so ordered, or receive its just share of the reduction. And the said State board of equalization shall thereupon notify, by United States mail, postage prepaid, the chairman of the county board of equalization of the county affected that the county, precinct or municipal valuations upon the classes of property specified in the said notice shall be raised or lowered by the percentum fixed by said State board of equalization, and the auditor shall thereupon return to said county its tax abstract and other tax returns for correction accordingly.

Sec. 98. That upon giving of such notice by the State board of equalization of changes or corrections ordered to be made in the valuations of property within said county, it shall be the duty of the chairman of the county board of equalization receiving such notice, to call immediately a meeting of said county board of equalization, and at said meeting said board shall correct county, precinct or municipal valuations upon the class or classes of property specified by the State board of equalization,

so as to make the same conform to the findings and orders of the said State board of equalization by so revaluing and re-equalizing each item of said class of property so that each such item will bear its just proportion of the raise so ordered or receive its just proportion of the reduction. If the county board of equalization is dissatisfied with the changes and corrections thus ordered to be made by the State board of equalization, the chairman, or any two members of the county board of equalization, may within ten days from the receiving of said notice, notify the State board of equalization that arbitration is demanded on behalf of the county, and shall at the same time give the name and postoffice address of the arbitrator so chosen by said county board. The State board of equalization shall name an arbitrator on behalf of the State within three days from the receipt of such demand for arbitration, and the two thus named shall select a third within ten days, and if they fail to agree upon a third arbitrator within that time, he shall be named and appointed by the Governor. A majority of the board of arbitration thus formed shall have authority to render an award in the premises. No person shall be named as arbitrator by the State board of equalization, and no person shall be selected and appointed as a third arbitrator who is a citizen of or a property owner in the county affected by said arbitration. Said arbitrators shall meet at the county seat of the county demanding the arbitration or at such other place within the county as they may deem best, and shall have the same power to demand the attendance of witnesses and the production of papers and documents as are conferred upon the county boards of equalization, and to enforce obedience to its orders. The session of said arbitrators shall be limited to five days, and they shall meet and render their decision within twenty days from the date of the selection or appointment of the third arbitrator, or otherwise the decision of the State board of equalization in the matter shall stand affirmed and be final. The award of the arbitrators when made shall be final, and upon the rendering of their award, it shall be the duty of the county board of equalization to immediately take such steps as are necessary to carry into effect the terms and provisions of said award; or upon the failure of the arbitrators to make an award within the time limited herein, it shall be the duty of the county board to immediately take such steps as are necessary to carry into effect the orders of the State board of equalization. The compensation of said arbitrators shall be six dollars (\$6.00) per day for the time they are actually in session, and they shall be allowed mileage at the rate of five cents

per mile for the distance traveled in going from and returning to their homes by the nearest practicable route. The compensation and mileage of said arbitrators shall be paid one-half by the county and one-half by the State. Before entering upon a hearing, the said arbitrators shall take the same oath taken in cases of arbitrations on the findings of the county board of equalization.

Sec. 99. Whenever the county board of equalization shall have completed its work of revaluating and re-equalizing any class or classes of property, by order of the State board of equalization, as provided in section 98 of this act, the said county board of equalization shall certify under their signatures to the correctness thereof, and shall deliver said reassessment or re-equalization to the tax assessor of the county as their report, and the tax assessor shall hold them in his office subject to public inspection. The tax assessor shall then give notice by publication once a week for three consecutive weeks in a newspaper published in the county, if any be published in the county; if no newspaper be published in the county, by posting notice in at least three public places in the county, that the county board of equalization has returned its report, and that the same is open to inspection, and that the said board will convene at the courthouse in the county on a day to be named and fixed in said notice, to correct any errors in their valuations, and shall also give a like notice in person or by mail. It shall be the duty of the board to see that such notice is given and to convene at the courthouse in their respective counties on the day named and fixed in said notice, and remain in session as long as may be necessary for the purpose of hearing objections, if any, made against said revaluation or re-equalization so fixed by said county board, and that at such meeting any property owner may appear in person or by attorney and make his objections to the values made by the county board of equalization, and produce evidence in support thereof. And it shall be the duty of the county board of equalization to examine the complainant under oath and to examine any other witnesses under oath, as to the reasonable cash value of the property of said owner, and if they find from the evidence that revalues placed by them on the property was not sixty per cent of the reasonable cash value of such property, then they shall correct the valuations upon the tax returns as their report of said revaluation and re-equalization, so that it will show sixty per cent of the reasonable cash value, and such corrected amount so entered by the board shall constitute the taxable value of said property; but if the board

shall find from all the evidence that the revaluation placed by them on the property was sixty per cent of the reasonable cash value thereof, then said revaluation shall remain and stand as the taxable value of said property. The revised and corrected property valuation thus made shall be fixed as the legal valuation of the property for the payment of taxes, and it shall be the duty of the tax payer to pay his taxes thereon accordingly.

Sec. 100. It shall be the duty of the members of the State board of equalization to visit annually the several counties in the State for the purpose of familiarizing themselves with the character and values of the several classes of taxable property therein, and investigate the methods and work of the county boards of equalization and to ascertain wherein existing laws are defective or are improperly or negligently construed and to report the result of this investigation and the facts ascertained to the Governor from time to time as required by him; provided, it shall not be required for more than one member to visit the several counties.

Sec. 101. In case any witness shall fail or refuse to testify as to or in answer to any material question, or to produce any records, books, papers, or other documents in his custody or control when required so to do, any circuit court or other court of like jurisdiction, or any judge thereof, upon the application of any member of the board, shall issue an attachment for such witness and compel such witness to comply with the summons, or to attend before the board, and produce such books, documents, papers or records, and to give his testimony upon such matters as he may be lawfully interrogated about; and the court or the judge thereof may punish such witness for contempt, as in cases of disobedience of a like subpoena issued from such court for the refusal to testify in any cause pending therein. And any person who willfully refuses to appear or furnish the information required of him shall be deemed guilty of a misdemeanor.

Sec. 102. No witness shall be excused from attending or testifying, or from producing books, papers, records, accounts, and other documents before the board, or in obedience to the subpoena issued by or in the name of the board or any member thereof, on the ground or for the reason that the testimony, or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or a forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or

thing concerning which he may testify or produce evidence documentary or otherwise, before the board, or in obedience to its subpoena; but no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Sec. 103. Every witness who shall appear before the board by its orders shall receive for his attendance the fees and mileage allowed by law for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses of the board of equalization are audited and paid, upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the board; but witnesses summoned by parties other than the board shall be paid by the party or parties causing the witnesses to be summoned.

Sec. 104. Whenever any equalization or assessment shall have been made by the State board of equalization, or by a board of arbitration, the valuations thus fixed shall be and remain the taxable value of such property for a period of four years from the first day of October preceding, unless there shall be a change in the conditions of the improvements on said property, or the erection or construction of improvements thereon, in which event the assessment shall be increased or reduced by the State board of equalization to the extent only of the increase or reduction of the value of the improvements erected, altered or destroyed.

Sec. 105. The enumeration of subjects of taxation in this act, and the power and authority given to county and State boards of equalization shall not be construed so as to interfere in any way with the exemption from taxation provided by law, nor shall it increase or decrease the power and authority of any political subdivision of the State to levy and collect taxes, nor repeal any law limiting the amount of taxes to be levied and collected by any county or municipality, unless herein specifically set forth.

Sec. 106. Every person, firm or corporation whose property is required by this act to be assessed for taxation by the State board of equalization and not herein otherwise specifically required to make reports to said board, shall on or before the first day of March of each year, make a report of all of its property of every nature and character whatsoever, and such other and further information upon such forms and in such manner as may be required by the State board of equalization.

ASSESSMENT OF TAX ON TANGIBLE PROPERTY OF PUBLIC UTILITIES .

Sec. 107. It shall be the duty of the State board of equalization to assess for taxation all property of all railroad companies, street or suburban railroads or sleeping car companies, person or companies operating railroad or street railroads or suburban railroads or sleeping cars in this State; all express companies, including railroad companies doing an express business, and all telephone and all long distance telephone and all telegraph companies, person or persons doing an express, telephone or telegraph business, all gas, water, electric lights or power, steam heat, refrigerated air, dockage, or crantage, toll road, railroad equipment and navigation companies, and the property of all other public service or public utility corporations and all property not required by law to be valued and equalized by the county board of equalization, and the owner, the president, general manager or agent having control of the company's affairs in this State shall make returns of all property of said company located in this State to the State board of equalization; provided, that if any sleeping car company shall pay the license or privilege tax of six thousand dollars, such company shall not be assessed for taxation under this section.

Sec. 108. On or before the first day of March of each year, the president, secretary or auditor of any railroad company whose track or roadbed or any part thereof is in this State, or if such railroad is in the hands of a receiver, such receiver shall, under oath, make to the State board of equalization a return in writing of the total length of such railroad, including the right of way, roadbed, side tracks and main tracks in this State, specifying the total length in this State, and in each county, city and incorporated town in this State; and also of the number of locomotive engines and passenger, freight, platform, construction and other cars of such company, and the location and a description of all other property owned by such company in the State of Alabama, and of the average amount of merchandise and supplies kept or carried on trains for sale or other disposition for a profit by such companies to employees or other persons in this State for the year next preceding the return.

Sec. 109. If such return is not made on or before the first day of March of each year, the State board of equalization shall proceed to ascertain the items and values in the preceding section mentioned from the best information it can obtain.

Sec. 110. Such board shall meet at its office in the State capitol annually on the first Monday in March, and shall thereupon notify each person, firm or corporation whose duty it is to make a return or report to such board, the days upon which the assessment of the various properties will be taken up and considered, which day shall be not less than twenty days from said first Monday in March. Upon the day so fixed for the consideration of said assessment, the owner of the property to be that day assessed, shall have the right to appear in person or by agent, attorney or representative and be heard.

Sec. 111. If at any meeting the board shall not have in its possession satisfactory data upon which to base an estimate of the value of the property with the assessment of which it is charged, or from any other cause is not able to make or complete any assessment, it may adjourn for any interval of time which may, in its opinion, be requisite to accomplish its object; and it shall have power to call upon any officer or agent of any person, firm or corporation, or upon any receiver in charge of the property of any person, firm or corporation, for any records, books, or documents of any description pertaining to the business of such person, firm or corporation, or for answers to any interrogatories which it may deem necessary to an intelligent discharge of its duties; and it shall also have power to require the attendance of any officer of any corporation, or any other person where the testimony of such officer or person may to it seem material.

Sec. 112. The valuation of the property of all persons, firms or corporations required by law to be assessed by said board, shall be made upon the same principles as the valuation of every other species of property; that is to say, the valuation of such property shall be made upon the consideration of what a clear fee simple title thereto would sell for under the conditions under which that character of property is most usually sold, and as evidence tending to show what this would be the State board of equalization shall ascertain as nearly as it can and consider the average market value of the stocks and bonds of said companies in the markets during the preceding months, and shall also take into consideration the estimated investments and valuation of said property as returned by the duly authorized officers and agents of said companies to the railroad commission as a basis for the adjustment of rates or charges for service to the public by such companies, and all other legal information as to such value which they may obtain.

Sec. 113. The board shall proceed forthwith to examine the returns made by all persons, firms and corporations required by law to so make the same, and also such information as the board may have obtained in addition thereto, and shall determine the valuation of the different items of property required to be returned to it, and shall assess such property for taxation at sixty per cent of its reasonable cash value; and in case no return has been made by or on behalf of such persons, firms or corporations on or before the first Monday in March in each year, the board may add to the assessment which it makes against such person, firm or corporation a penalty of not exceeding twenty-five per cent thereof. The assessment herein required to be made shall be completed before the first day of June, or as soon thereafter as practicable.

Sec. 114. Whenever the State board of equalization shall have completed the assessment of the property of any person, firm or corporation required by law to be assessed by such board, they shall give notice in writing by registered mail to the owner, officer, agent or attorney making such return, giving notice that the assessment of its property has been completed, showing the total amount of such assessment.

Sec. 115. If the owner of the property so assessed is dissatisfied with the action of said board, he may within ten days from the receipt of said notice give notice in writing to said board that he demands an arbitration, giving at the same time the name of his arbitrator; the board shall name its arbitrator within five days thereafter and these two shall select a third, a majority of whom shall fix the assessments on the property on which the owner shall pay taxes, and said award shall be final. Said arbitrators shall render their award within thirty days from the date of the naming of the arbitrator by said board, else the decision of said board shall stand affirmed and shall be binding in the premises. Before entering upon a hearing, said arbitrators shall take an oath before an officer authorized to administer oaths that they will faithfully and impartially make a true and just valuation, equalization and assessment of the property in question at sixty per cent of its reasonable cash value, and will determine the matters submitted to them according to law and the justice and equity of the case. In all cases of arbitration between the State board of equalization and the owner or operator of any property as to the taxable value of their said property, the State board of equalization shall appoint one of the railroad commissioners to act as arbitrator for the State in each case, and it shall be the duty of the said rail-

road commissioner, when thus appointed, to perform the duties of arbitrator without any additional compensation. The person, firm or corporation demanding the arbitration shall pay the arbitrator named by him, and the compensation of the third arbitrator shall be borne equally by the parties to the arbitration.

Sec. 116. When the assessment of any property required by law to be assessed by the State board of equalization has been completed and determined, either by arbitration or by the board, and the time to demand an arbitration has expired, the board shall notify the tax assessor of each county in which such property so assessed shall be situated, of the amount of such assessment in such county, together with a general description of the property so assessed shall be situated, of the amount of such assessment in such county, together with a general description of the property so assessed, which he must enter in the book of assessments in addition to the assessment of other real estate or personal property, to be assessed as other property of like kind owned by private citizens of his county, and the State board of equalization shall also send to the owner or operator of such property so assessed a copy of its notification to the tax assessor touching assessment.

Sec. 117. The president, secretary, auditor or managing agent in this State of every telegraph or long distance telephone company, whose line, or any part thereof, is located within this State, must annually, on or before the first Monday in March of each year, make, under oath, to the State board of equalization, a return of the number of miles of telegraph or telephone wire in the State belonging to such company, and the number of poles, batteries, instruments, and articles of all kinds, in the State connected with its business, specifying the several counties in which such property is situated, and the items of property situated in each of such counties, and if any such company, its officers or agents, fail to make such return, within the time specified, the State board of equalization must ascertain such items of property and values from the best information they can obtain.

Sec. 118. Any person or persons, joint stock association or corporation, wherever organized or incorporated, engaged in business of operating cars, not otherwise listed for taxation in this State for the transportation of freight, whether such freight is owned by such company, or any other person or company over any railway line or lines in whole or in part within this State, such line or lines not being owned, leased or operated

by such company, whether such car to be termed box, flat, coal, ore, tank, stock, gondola, furniture or refrigerator cars, or by some other name, shall be deemed to be a freight line company; any person or persons, joint stock association, or corporation, wherever organized or incorporated engaged in the business of furnishing or leasing cars of whatever kind or description to be used in the operation of any railway line or lines, wholly or partially within this State, such line or lines not being owned, leased or operated by such company, and such cars not being otherwise listed for taxation in this State shall be deemed to be an equipment company. Every freight line or equipment company doing business or owning cars which are operated in this State shall annually before the first Monday in March, under oath of the person constituting such company, if a person, or under oath of the president, secretary, treasurer, superintendent or chief officer of such association or incorporation, if an association or corporation, make and file with the State board of equalization a statement in such form as the State board of equalization may prescribe showing the gross income of said freight line or equipment company received from the railroad companies operating wholly or partially within this State; and the gross income of said freight line or equipment company from every other source whatsoever received within this State. It shall be the duty of the State board of equalization before the first day of June of each year, or as soon thereafter as practicable, to assess to each freight line or equipment company doing business or owning cars which are operated within this State, a sum in the nature of a privilege tax or license, of three per cent of the gross amount of income from all sources within the State reported by each freight line or equipment company. It shall be the duty of each freight line or equipment company so assessed to pay the amount of said assessment within the time prescribed for the payment of other taxes or license to the auditor of the State, who shall promptly cover the same into the State treasury. Should any freight line or equipment company fail or refuse to make the statement herein provided for, it shall be the duty of the State board of equalization to ascertain the gross amount of the income of said freight line or equipment company from the report filed with the interstate commerce commission of the United States by said freight line or equipment company, and from said reports compute the income of said freight line or equipment company on a mileage basis, and levy a tax of four per cent on said income of said freight line or equipment company, in proportion that the mileage of the rail-

road companies operating within this State, over which said freight line or equipment company operates its cars within this State shall bear to the whole mileage, shown by the report filed with the interstate commerce commission of the United States, adding thereto fifty per cent of the amount so ascertained, and all expenses of obtaining the report filed with the interstate commerce commission of the United States as a penalty. The tax and penalty herein provided for shall be enforced and collected after becoming delinquent in the same manner and by the same means as other taxes are collected, and it shall be the duty of the State auditor to enforce it.

ASSESSMENT OF TAX ON INTANGIBLE PROPERTY OF PUBLIC UTILITIES.

Sec. 119. There shall be subject to taxation in this State, the franchises or intangible property and assets of each and every corporation, whether organized under the laws of this State, or of any other State or government, and of each and every individual, association, partnership or company engaged as common carrier wholly or partly in this State, in the business of transporting freight of any description or passengers, or both, over any railroad, including street railroads or of operating any cars of any kind over any railroads for the transportation of passengers or of property of any kind for others or for the public, including sleeping cars, parlor or palace cars, dining cars, chair cars, equipment cars of any and every other kind, or engaged in the business of maintaining or operating for gain any telegraph or telephone lines, plant or business, or any plant or business for the production, manufacture, distribution, or sale of gas, electricity, electric light, electric power, water, steam heat, and refrigerated air, or other similar substance, by means of wires, pipes or conduits constructed, operated or maintained on, over, under or through any territory or any street, alley, or highway in this State; or in the business of operating for gain, any dockage, wharfage, canal, freight, or passenger depots, station, or terminals; or engaged in any other business which may be dependent upon the grant of public powers or privileges, or which may involve the operation of any public utility; and of each and every individual, association, partnership, company or corporation which has and exercises, under authority granted by charter, statute, or other provision of law, whether of this State, or any political subdivision thereof, or of any other State or government, any special or exclusive privi-

lege, franchise, or function, which is or may be dependent upon the grant of public power or privileges, or which involves the operation of any public utility. Provided, that if any sleeping car company shall pay the license or privilege tax of six thousand dollars, such company shall not be assessed for taxation under this section.

Sec. 120. Every individual, association, partnership, company and corporation engaged in any business embraced or set out in the preceding section shall, in addition to the ad valorem taxes on tangible property which are now imposed upon them by law, annually pay to the State, and there is levied a tax for each year, on their franchises or intangible property and assets, and local taxes thereon, to each county and municipal corporation in which its or their business is or shall hereafter be carried on. Said tax shall be at the same rate as the tax on tangible property, and shall be and become due and delinquent at the same time as the taxes on tangible property, and be payable and collected in the same manner; and shall be assessed and levied in the manner hereinafter provided. The place or places where such local taxes on such property are to be paid, and the manner of the apportionment of the same in cases where more than one jurisdiction is entitled to a share of such tax, shall be determined, and the valuation of such property for taxation shall be ascertained in accordance with the provisions of this act.

Sec. 121. Between the first day of January and the first day of March in each year, every company, corporation, association and individual embraced within the provisions of section 126 of this act, or coming otherwise within its scope and intent shall make out and deliver to the State board of equalization of Alabama a statement containing the information hereinafter prescribed, which statement shall be duly verified by the affidavit of one of the officers of the company, corporation, or association, or by the individual in whose behalf it is made.

Sec. 122. Each such statement shall show the following items and particulars as the same stood on the next preceding first day of October, together with any other facts or information that may be called for by said board of equalization.

1. The name and principal place of business of the company, corporation, association or individual in whose behalf the statement is made, and the character of business engaged in.

2. If a company, association, or corporation, the State or government under the laws of which it was incorporated, or authorized to do business, the date of original organization, the

date of re-organization, consolidation, or merger, and the purposes of its incorporation as expressed in its charter or articles of association.

3. The place where all books, papers, and accounts are kept, and the names and post office addresses of the president, secretary, cashier, treasurer, superintendent, general manager, general counsel, directors, and all other general officers thereof.

4. The locality of its principal office and the total amount and kind of business done by it in this State, and the total gross receipts derived from its business in this State, including a due proportion of its interstate business, if it has done any business of that character.

5. Its total authorized capital stock, and the number of shares of stock issued and outstanding, and the par or face value of each such share.

6. The market value of said shares of stock; if they have no market value, then the statement must show the actual value thereof, and the highest price at which any share has been sold during the next preceding twelve months.

7. A brief description of each tract of real estate and of the improvements thereon, and of the buildings, structures, machinery, fixtures and appliances, and all other tangible property and assets owned and assessed, or liable to assessment for the same year, within this State, and the location and assessed value thereof, and the county, city or town wherein the same is assessed for taxation for State and county and municipal purposes, or is liable to assessment.

8. A brief description of each tract of land and of the improvement thereon, and of the buildings, structures, machinery, fixtures and appliances, and of all the other tangible property and assets owned and held outside of this State, and of all other property and assets having a fixed situs outside thereof, and the location of each item of such property, and the purpose for which it is used, and whether or not it is specifically used in the business of the company, corporation or association, or individual in whose behalf the report is made, and its true and fair market value, and the sum or value at which it is assessed for taxation, and the locality in which it is assessed.

9. A statement of each and every lien, mortgage, and other charge upon the whole or any part of the property of said company, corporation, association, or individual, and a detailed statement of all series of bonds, debentures, or other securities forming a part of its funded debt, with date of issue, ma-

turity, and rate of interest, together with a statement of the property encumbered or charged thereby, and of the total amount of unpaid debts secured by each such mortgage, lien, or charge, and of the interest charged thereon, and to what extent interest has been paid, and the true and fair market value of every such debt.

10. A statement of the gross income and earnings and a statement of the net income and earnings for the preceding fiscal year of the person, firm, corporation or association, including therein all interest on investments, and all rents, profits, revenues, and receipts from every source whatsoever, and a statement of the income used for repairs, and of the amount used for betterment, and the amount used for extensions.

11. Every railroad company and telegraph company and every telephone company and every pipe line company, shall show in each statement made by it the following particulars, which are in addition to the foregoing requirements, to-wit: (a) The total length of all the lines of said company, whether within or outside this State, and (b) the total length of so much of said lines as are within this State, and (c) the length of its lines in each of the counties and cities or towns of this State into or through which its lines extend. The length of the lines of the telegraph companies and telephone companies shall be estimated and stated according to its mileage of poles, conduits, or cables or either.

12. Every sleeping car company, parlor or palace car company, dining car company, chair car company, equipment company and company operating cars of any and every other kind over any railroad, shall also, and in addition to the said foregoing requirements, show by each of its said statements, (a) the total mileage traveled by the cars of the said company during the next preceding twelve months, whether within this State or beyond its borders, and (b) the total mileage traveled by such cars within the State during the same period, and (c) the total mileage traveled by such cars within each county, and each city or town in this State during said period, provided that if any sleeping car company shall pay the license or privilege tax of seventy-five hundred dollars, such company shall not pay the intangible tax, nor make the statements provided for herein.

Sec. 123. Every express company shall also, in addition to the foregoing requirements having application to such company, show (a) its total gross receipts from all business done under its charter, whether within this State or outside there-

of, during the next preceding twelve months, and (b) its total gross receipts within this State for the same kind of business done during the same period including a due proportion of receipts from interstate business, and (c) its total gross receipts in each county or town in this State for the same kind of business done during the same period.

Sec. 124. The State board of equalization of Alabama shall receive all such statements offered to it under the provisions of this act, and shall endorse upon each the date on which it was received, and sign the endorsement officially. It shall examine the statements as soon as may be practicable, and if any of them be found to be insufficient, or if said board shall believe other or further information to be necessary, it shall at once demand such additional statements and information as it may think proper.

Sec. 125. The State board of equalization shall carefully examine and consider the said statements and information, and shall bear evidence and secure further and additional information so far as may be in its power, and whenever it may deem it necessary so to do, to show the true value of the properties of such corporations, associations, companies and individuals, and the true value of that portion thereof which is situated within this State and within the respective counties and cities and towns in this State; and each interested company, corporation, association or individual may appear before said board and introduce material and relevant testimony before the same touching the true value of its said property within this State and the apportionment thereof. From these statements, evidence and information adduced before it the State board of equalization shall ascertain, fix and determine the true value of such property, and of the portion thereof which is situated within this State, and the respective value of the several portions within the different counties and cities or towns in this State in which such portions are taxable, and for that purpose said board may require and compel by subpoenas to be issued by it, any person or persons, or the officers and agents, or any of them, of any company, corporation, or association embraced within the provisions of this act, to appear before it with such books, papers, documents, and information as the board may require, and to submit themselves to examination by said board, and it shall have all the powers with respect thereto conferred upon it by this act.

Sec. 126. In so far as the other evidence and information adduced before said board does make it appear to said board im-

proper or unjust for them to do so, the said board shall, in fixing the true tax value of the entire property, tangible and intangible of any company, corporation, association or individual embraced within the provisions of this act, take as a basis therefor, the aggregate market or true value of all its shares of stock and add thereto the market or true value of its entire indebtedness secured by any mortgage, lien, or other charge upon its property and assets, and the sum so produced shall be deemed and treated as the true cash value of said entire property, tangible and intangible.

Sec. 127. From sixty per cent of the value of said entire property, tangible and intangible, thus ascertained, there shall be deducted the assessed value of the entire tangible real and personal property of such persons, association, company or corporation, and the remainder of the true value shall by said State board of equalization be fixed and determined as the true value for taxation of the franchise, or intangible properties owned and held by said persons, associations, company or corporation, and made subject to taxation by the provisions of this act where the business and property of such person, association, company or corporation is within this State.

Sec. 128. Where the person, association, company or corporation operates a railroad or car line of any kind, or telegraph line, or pipe line, the lines of which extend beyond the State, there shall also be deducted from the true cash value of the entire property, tangible and intangible, ascertained as above provided, the market or true value, ascertained from the information furnished by said statements, if the value thereof be given in said statements, of all real and personal property of said person, association, company or corporation not specifically used in its business, and the remainder shall be treated as the true cash value of all its property, tangible and intangible, actually used in this business. The State board of equalization shall then ascertain and fix the value of the total property, tangible and intangible, in this State by taking such proportion of the cash value of the entire property, tangible and intangible, of such persons, association, company or corporation which is specifically used in its business, ascertained as provided by this act, as its total lines within this State bears to the total lines both inside and outside of this State, or as its total receipts from within this State, bears to its total receipts from both within and without this State. From the entire value of the property within this State, tangible and intangible, when ascertained as above provided, there shall be deducted the total

value of the entire real and personal property of said person, association, company or corporation in this State, and sixty per cent. of the residue and remainder of value shall be by said State board of equalization fixed and determined as the true value for taxation of the franchise or intangible property of such person, association, company, or corporation so operating said railroad, car line, telegraph line, telephone line, or pipe line made subject to taxation by the provisions of this act.

Sec. 129. The State board of equalization shall apportion the value of such franchises or intangible property thus ascertained as in this act provided, among and between the counties and cities or towns in which such persons, association, company, or corporation does business, in proportion to the amount of business done in and receipts derived from each locality, except that in a case of a railroad or railway company, telephone or telegraph company, and electrical power companies, car companies other than express companies, or of a pipe line, the apportionment to each county and to each city or town shall be in proportion to the line mileage or car mileage therein.

Sec. 130. The State board of equalization shall make use of all evidence put before it, and of all material facts at its command in valuing the aforesaid properties, and if it shall believe some other method of calculation than that herein specifically prescribed is necessary in order to produce just and lawful results it shall follow the methods, which, under all the circumstances, it believes best calculated to bring about a fair and equitable valuation of such property.

Sec. 131. Within twenty days after making the valuation of any such franchises or intangible property, the State board of equalization shall give notice in writing by registered mail, addressed to or by personal service on any officer, superintendent, cashier, or manager of the owner of said franchises or intangible properties, stating the valuation fixed by it and that on a day specified not less than twenty nor more than thirty days thereafter, it will meet to hear and determine any complaint against said valuation, which notice must be served at least ten days before the day fixed for the hearing.

Sec. 132. At the hearing the owner may file a statement under oath, specifying the respect in which the valuation is incorrect, upon which testimony may be taken and a full investigation had.

Sec. 133. Whenever any person or association of persons, not being a corporation, and having no capital stock, shall engage in this State in any character of business embraced within

the provisions of this act, the capital and property, or the certificate or other evidences of the rights or interests of the persons engaged in such business, shall be deemed and treated as the capital stock of such person or association of persons for the purpose of taxation and for all purposes under this act, and shall be estimated and valued, and the intangible property values thereof, when ascertained, shall be apportioned and distributed and assessed and taxed under the provisions hereof, in like manner as if such person or association of persons were a corporation, and each such person and association of persons shall annually, within the time and in the manner provided in this act, make the statement and reports and give the information required by this act of the aforesaid companies, corporations and associations, and shall be subject to all the penalties and to all the terms and provisions of this act.

Sec. 134. The State board of equalization after having first determined and fixed the true cash values of the franchise or intangible property within this State of the individuals, companies, corporations, and associations embraced within the provisions of this act, in accordance with the provisions hereof, shall annually on or before the first day of July, or as soon thereafter as practicable, report to the tax assessor of every county and local authorities of each city or town in this State in which any part of said franchise or intangible property is taxable under the provisions of this act, a description of the franchise or intangible property taxable therein, and the value thereof apportioned to said county and to said city or town, and the name and residence or place of business of the owner, and all other necessary particulars.

Sec. 135. The said property shall thereupon be entered by the county tax assessor and local authorities of such city or town for taxation in like manner as other property, and shall be taxed and the taxes thereon shall be collected as in the case of other property.

Sec. 136. So long as any corporation, company or association shall pay all ad valorem taxes on said property required by law, the individual stockholders thereof shall not be required to list their shares of stock for taxation, or to pay ad valorem taxes on said shares, nor shall any such company, corporation, association, person or persons, complying with the provisions of this act be required to pay any other State, county or city ad valorem taxes on any of its intangible property in this State.

Sec. 137. Every person and association of persons, and every company, corporation, or association embraced within the provisions of this act which shall fail to make the return and statement or any of them herein provided within the time herein limited, or which after reasonable notice shall fail to give any additional evidence or to furnish any additional notice shall fail to give any additional evidence or to furnish any additional information required by the State board of equalization by authority of this act, shall forfeit and pay to the State the sum of fifty dollars for every day during which it shall continue in default, which shall be recovered by suit in any court of competent jurisdiction in any county in this State in which the business of such person, association, company or corporation is carried on.

Sec. 138. If any person, association, company, or corporation embraced within the provisions of this act shall fail to make the returns and statements, or any of them, required by the provisions of this act, or to furnish any other information lawfully required of it, within the time limited, the State board of equalization shall acquire the necessary information from any other source upon which to base an ascertainment of the value of the intangible property or franchise of such person, association of persons, company, or corporation, and shall proceed to ascertain the value of such property.

Sec. 139. If the property of any person, association, company or corporation shall be in the hands of any receiver, assignee, trustee in bankruptcy, or other person holding under any court, or for the benefit of any creditor or creditors, then the statements, reports, information, books, and papers aforesaid shall be furnished by said receiver, assignee, trustee, or other person, or by some officer, or agent acting under him, in the same manner and to the same extent as is hereinbefore provided in cases where the individual, or the corporation, company, or association is in possession.

Sec. 140. Upon the compliance with the provisions of this act by the individuals, companies, corporations, and associations hereby affected, and upon the payment of the taxes imposed hereunder, if any are imposed, said individuals, associations, companies or corporations shall not be required to pay any taxes upon their solvent credits or gross receipts.

Sec. 141. If the owner of the property so assessed is dissatisfied with the action of said board, he may within twenty days from the receipt of said notice, give notice in writing to said board that he demands an arbitration, giving at the same

time the name of his arbitrator; the board shall name its arbitrator within five days thereafter, and these two shall select a third, a majority of whom shall fix the assessments on the property on which the owner shall pay taxes. If the two arbitrators so selected fail within ten days to agree upon an umpire, they, or either one of said arbitrators shall certify to the Governor the failure to agree, and the Governor shall thereupon appoint such umpire, and the award of the arbitrators shall be final. Said arbitrators shall render their award within thirty days from the date of the naming of the umpire, else the decision of said board shall stand affirmed, and shall be binding in the premises, provided that if in the opinion of the State board of equalization a longer period than thirty days is required to properly complete the work of arbitration, the board is hereby authorized and empowered by an order duly made and entered to extend the time for the completion of such arbitration for such reasonable time as may be necessary, but in no event later than September first. Before entering upon a hearing, said arbitrators shall take an oath before an officer authorized to administer oaths that they will faithfully and impartially make a true and just valuation, equalization and assessment of the property in question at sixty per cent. of its reasonable cash value, and will determine the matters submitted to them according to law, and the justice and equity of the case. In all cases of arbitration between the State board of equalization and the owner or operator of any property, the State board of equalization shall appoint one of the railroad commissioners to act as arbitrator for the State in each case, and it shall be the duty of the said railroad commissioner, when thus appointed, to perform the duties of arbitrator without any additional compensation. The person, firm or corporation demanding the arbitration shall pay the arbitrator named by him, and the compensation of the third arbitrator shall be borne equally by the parties to the arbitration.

Sec. 142. In any assessment by State, county or municipal authority of the franchise or intangible property of any person, association, company or corporation subject to the provisions of this act, it shall be sufficient to describe the franchise or intangible property herein made subject to taxation on the assessment books or rolls as The portion of (name of county or city or town) of the franchise or intangible property of (name of owner of such franchise or intangible property).

THE TAX COLLECTOR AND THE COLLECTION OF TAXES.

Sec. 143. There shall be elected, at the time, in the manner, and for the term provided by law, a tax collector for every county in the State, who shall perform such duties as are or may be prescribed by law, and whose term of office shall begin on the first day of October next after his election. The term of office of tax collectors now holding office shall extend to October 1st, 1917.

Sec. 144. Before entering upon the discharge of the duties of his office, the tax collector must execute a bond in duplicate, in double the probable amount of the taxes that may at any one time be in his hands, to be determined for every county by the State auditor, payable to the State of Alabama, with at least two sufficient sureties, or surety company qualified to do business in Alabama, to be approved by the judge of probate of his county and conditioned faithfully to discharge the duties of his office, which are or may be required by law during the time he continues therein, or discharges any of the duties thereof. One of such duplicates shall be filed and recorded in the office of the judge of probate and the other shall be filed in the office of the State auditor, on or before the first day of September next after his election.

Sec. 145. Such bond shall operate from the date of its execution as a lien in favor of the State and county, on the property of the tax collector, and from the date of his default, on the property of the sureties thereon, for the amount of any judgment that may be rendered against such tax collector for the breach of any official duty; and any new or additional bond, given in pursuance of law by the tax collector, shall operate as a like lien.

Sec. 146. He shall also, before entering upon the discharge of the duties of his office, file in the office of the judge of probate of his county, an oath in writing, that he will faithfully and diligently discharge all the duties which are or may be imposed upon him by law; and such oath must also be recorded.

Sec. 147. The tax collector shall keep his office open at the court house from the first day of September until the first day of June following, and in counties having forty thousand or more inhabitants, he shall keep his office open all the year round. In all counties of the State the tax collector shall be required between the first day of October and the first day of

January in each year to visit each precinct in the county by himself or by deputy to collect the taxes, and he shall give the same notice of such appointments as is given by the tax assessor.

Sec. 148. The tax collector is authorized to appoint deputies, and the acts of such deputies shall be recognized as his acts, and he shall be responsible for any loss sustained by any tax payer, or by the State or county, by reason of acts done by such deputies in the line of their powers and duties. Such deputies shall receive no compensation for their services out of the State or county revenues.

Sec. 149. The tax collector shall be entitled to receive commissions on taxes collected by him as follows, to-wit: In counties where collections do not exceed twelve thousand dollars, the rate of commission shall be eight per cent. on the first thousand dollars, four per cent. on the second thousand dollars, and two per cent. on the remainder. In counties where the collection exceeds twelve thousand dollars, the commission shall be as above declared up to twelve thousand dollars, and one and one-half per cent. on the remainder up to sixty thousand dollars, and on all above sixty thousand dollars, one per cent. He shall also be entitled to receive two per cent. on all collections made by him of special taxes, whether such special taxes be levied for the State or county to be paid out of such special taxes. The collector may retain his commissions upon collections when he makes payment into the State treasury. Provided, that after the expiration of the present terms of tax collectors, no commissions shall be allowed or received on the collection of any local or special county school taxes.

Sec. 150. For making actual demand on delinquent tax payers, the collector shall be entitled to receive a fee of fifty cents from each tax payer on whom such demand is made, which shall be charged against such tax payer and collected for the use of the collector in the same manner and by the same means as taxes are collected, but he shall charge only one fee against each tax payer. For making a levy on and sale of personal property for the collection of taxes, the collector shall be allowed a fee of one dollar, to be collected out of the property, and in addition thereto, he shall be authorized to collect out of such property the actual expenses of keeping and moving the same to the place of sale, provided that the collector may sell any personal property levied on at any place in the precinct that he may determine, or may move the same to the court house of the county for sale. For the levy on and sale of a tract, parcel or lot of land assessed to one owner, or to "owner

unknown," the collector shall receive a fee of fifty cents in addition to the demand fee on such delinquent taxpayer, the said fees to be made a part of the decree of sale and collected with the taxes due on the land sold or levied on for sale.

Sec. 151. He shall also be allowed the actual cost of transmitting his collections to the State treasurer, the same to be paid out of the treasury, or credited to the collector upon his making his annual settlement with the State auditor.

Sec. 152. After the first day of January the collector must make a personal demand in writing, upon delinquent tax payers, or their agents, charged with the duty of paying their taxes, whenever they may be found, for the amount of their taxes and fees, and when unable to find them, he shall leave such demand at their places of business or residence; or make demand by registered letter directed to his last known place of business or residence return card demanded. And it shall be the duty of such delinquents forthwith to pay the taxes and fees assessed and charged against them. But a failure to comply with the requirements of this section shall not invalidate the title to any property sold for taxes.

Sec. 153. If the taxes are paid after they become delinquent, the tax payer shall pay all costs, fees and charges, if any, that may at the time of payment have lawfully accrued. The tax collector shall for the year 1915 make publication by three weekly insertions immediately before said taxes become due in some newspaper published in the county of the time when the taxes become due and delinquent. But such notice shall not be published thereafter.

Sec. 154. All taxes after becoming delinquent, bear interest at the rate of eight per centum per annum; and such interest must be added to and collected as part of the taxes, and reported in such manner as the State auditor may prescribe.

Sec. 155. Upon the payment of taxes and fees and costs, if any, assessed and charged against him, by any tax payer, the collector shall give a receipt therefor from the book mentioned in the next section, showing the name of the tax payer, the date of the payment, the total assessed value of real and personal property, separately, and stating the aggregate of the State, county, and special taxes collected together with the interest, costs and fees; and such receipt shall be prima facie evidence that such tax payer has paid all his State and county taxes for that year on the real and personal property, and other subjects of taxation contained in his assessment list, and all fees and costs mentioned in such receipt. The tax collector shall

receive from any person interested the taxes on any specific item of property, where separated on the assessment list, and give a receipt therefor, describing the property for which said tax is paid.

Sec. 156. The collector shall keep a book or books of receipts with duplicate sheets for each tax year from which all receipts given to tax payers must be taken; and on payment by any tax payer the collector shall enter on the duplicate from which the receipt is taken the name of such tax payer, the date of payment, and the aggregate amount of taxes and the interest and costs as specified in the receipt prescribed in the preceding section, and such duplicate and the receipt taken therefrom shall bear the same number and correspond in all respects. Such book or books at the end of the tax year shall be delivered by the collector to the chairman of the court of county commissioners, or other court or board of like jurisdiction, and the production thereof by the collector may be compelled by the court of county commissioners at any time before such delivery.

Sec. 157. After the first day of January of each year, the tax collector must proceed, without delay, to levy upon any personal property of delinquent tax payers for the payment of their taxes, and after having first given ten days notice of the time and place of sale, with a description of the property to be sold, by posting the same at three or more public places in the precinct of the residence of such delinquent, either at the time of assessment or of the levy, or if he is a non-resident of the county, in the precinct in which the levy was made, he must sell the same, or so much thereof as may be necessary to satisfy the taxes, fees and expenses of sale, including expenses of keeping the property and moving the same to place of sale, in front of the court house of the county, or at the voting place, or, in case the amount of taxes does not exceed five dollars, at any other place in the precinct in which such notice was posted, at public outcry to the highest bidder for cash; and the property so sold shall not be subject to redemption. For making such sale, the collector shall be allowed a fee of one dollar, to be collected out of the property. But such tax payer may, at any time before the sale pay the taxes, interest, fees and expenses, including the collector's fees for the sale, the same as if it has been made, and thereby discharge the levy.

Sec. 158. The proceeds arising from such sale shall be applied to the payment of the expenses of the sale, and of the taxes, interest and fees due from such tax payer, and any balance remaining shall be paid to the owner of the property, if

present at the sale; if not present, or if present, and he refuses to receive the same, the collector shall deposit such balance with the county treasurer; or if there be no county treasurer, with such other officer entrusted with the county funds, taking a receipt therefor, and the same shall be kept as a special fund; and whenever such owner shall apply to the collector for such balance, the collector shall deliver to him the receipt therefor, and upon presentation thereof by such owner, the officer with whom such deposit was made shall pay to him the amount expressed in the receipt. But if such excess is not called for in three years after such sale, by the person entitled to receive the same, upon the order of the commissioner's court or board of revenue, stating the case or cases in which such excess was paid, together with a description of the property sold, when sold, and the amount of such excess, the county treasurer shall pass such excess money to the credit of the general fund of the county, and make record of the same on his books, and such money shall thereafter be treated as a part of the general fund of the county.

Sec. 159. No property, whether exempt by law from taxation or not, shall be exempt from levy and sale for the payment of taxes and the fees and charges lawfully incurred in assessing and collecting the same.

Sec. 160. If the collector ascertains, or has just cause to believe that any person is indebted to, or has in his possession or under his control, any money, property, or choses in action belonging to any delinquent tax payer in his county, he shall forthwith serve upon such person a notice in writing to appear before some court of the county having jurisdiction of the amount involved, naming the court, to answer as garnishee, and under oath, whether he was indebted to such tax payer at the time of the service of the notice, or at the time of making his answer, or whether he will be indebted to him by any contract then existing, and if so, the amount of such indebtedness; and whether he has in his possession, or under his control, any and what money, property, or choses in action belonging to such tax payer; and in such notice he shall state the amount of the taxes and fees due from such tax payer. He shall also forthwith give such tax payer, if in the county, written notice of the service of such garnishment; and the garnishment and notice he shall, without delay, return executed to the court before which the garnishee is cited to appear. And it shall be the duty of the collector, as far as by diligent inquiry he can, to ascertain what persons are indebted to or have in their possession any money,

property or choses in action belonging to any delinquent tax payer.

Sec. 161. Such proceedings shall be conducted in the name of the State; and if the notice served on the garnishee is returnable before a justice of the peace, the garnishee must answer within three days after service; if before the circuit court or court having like jurisdiction, he must answer within the first three days of the term next thereafter, if service was made upon him ten days before the commencement of the term; but if not, within ten days after service, if the court is in session, at the second term next thereafter; and thereupon, or in event of a failure to answer, such proceedings and judgment may be had as in cases of garnishments on judgments.

Sec. 162. If the garnishment is returnable before a justice of the peace, the collector shall be entitled to one dollar, and the justice to two dollars, for their services in each case; if before the circuit court, or court having like jurisdiction, the clerk and sheriff shall be entitled to the same fees as in cases of garnishments on judgments, and the collector to two dollars.

Sec. 163. The shares or interests in the stock of private corporations are subject to levy and sale for the payment of all taxes assessed against the owner thereof. To accomplish such levy and sale, the tax collector shall make out and certify to the judge of probate a bill against such owner for the amount of the taxes due from him and any fees due the assessor or collector, and upon the approval thereof by the judge of probate, in writing endorsed thereon, such bills shall operate as a fieri facias, and thereupon such shares and interests may be, by the tax collector or his deputy, levied upon and sold for the payment of such taxes, interest and fees, and all costs, without having or obtaining the possession of said stock, by indorsement on the bill approved by the judge of probate, stating the number of shares or other interests on which the levy is made, and giving notice thereof to the custodian of the books of transfer of such corporation, if he be known and reside within the State, or if he is unknown, or if he reside without the State, by posting at the court house door of the county, and by publication for three successive weeks, in a newspaper published at or near the principal place of business of such corporation; all transfers of the stock made in good faith, for a valuable consideration, before notice of the levy is given, are valid and operative, and must prevail over the levy. The levy and the sale thereunder may be made in the county of the residence of the tax payer, or in

the county in which the corporation has its principal place of business; and on making the sale, the tax collector must make to the purchaser a transfer in writing; and the purchaser has the right to require the proper officer to register such transfer on the books of the corporation, and with or without such registry, is entitled to all the rights and interest of the tax payer as whose property such stock was sold.

Sec. 164. When no personal property can be found out of which the taxes of any delinquent tax payer can be collected, or an amount insufficient to fully satisfy such taxes, the real estate of such tax payer, or the real estate upon which such taxes are a lien, shall be sold for the payment thereof, or of the balance due thereon, in the manner hereinafter in this act prescribed. But the failure of the tax collector to so exhaust such personal property shall not invalidate the sale of any real estate, but it shall render the tax collector and the sureties on his official bond liable for the cost, which he shall be put to in redeeming such real estate, over and above the amount of the taxes, for the collection of which the sale is made, and interest thereon provided for in case of such redemption.

Sec. 165. The tax collector must, in each year, report on oath to the court of county commissioners, at the June term thereof, a list of the persons from whom the taxes assessed against them cannot be collected with the amount of the taxes, State and county, assessed against each, which shall be termed "list of insolvents," and a list of such persons as have been over-assessed, or wrongfully assessed, with the taxes, State and county, assessed against each, which shall be termed "list of errors in assessments," and any taxes which may be in litigation, in order that the same may be passed upon and determined by the court.

Sec. 166. At the same term, such court shall make a careful and rigid examination of such lists, and of the facts pertaining thereto, and shall ascertain and determine what taxes contained in the list of insolvents the collector could not, by the use of due diligence, have collected, and what taxes contained in the list of errors in assessments should not have been collected by him, by reason of such errors, and shall correct such lists accordingly, and shall credit the collector with the county taxes contained in such lists as corrected; and shall ascertain what taxes are in litigation and credit the collector with the county taxes so in litigation.

Sec. 167. Within ten days after the adjournment of the term of the court at which such allowances were made, the

presiding officer of the court must certify to the State auditor, separately, the itemized lists, as ascertained and allowed by the court, of insolvent taxes, errors in assessments and taxes in litigation, showing in each instance, the name of the tax payer and the amounts of State taxes and special taxes charged against him; and, in the case of taxes in litigation, showing also when and in what court suit was brought; and if such lists are found to be correct, the State auditor must, upon the final settlement of the collector allow him credit for the amount of State taxes and special State taxes shown by such lists.

Sec. 168. Upon the allowance and credit to the tax collector of insolvent taxes and taxes in litigation, as provided in the two preceding sections, the court shall, in behalf of the county, state a new account against the collector for the amounts of insolvent county taxes and county taxes in litigation so allowed and credited; and upon allowance by the State auditor of the credits for insolvent State taxes and State taxes in litigation, as provided in the preceding section, a new account must be stated by the State auditor against the collector for the amounts of insolvent State taxes and State taxes in litigation so allowed and credited; and the collector shall remain charged with such sums until the liability is discharged, as hereinafter provided.

Sec. 169. Within twenty days after such allowances are made, the presiding officer of such court shall, from the list of insolvent taxes so allowed, make out and deliver to the collector a separate list for each precinct in the county, showing the name of each insolvent tax payer, and the amounts of State and county taxes, and costs, if any, due from him; and such collector shall receipt for such lists.

Sec. 170. It is the duty of the collector to proceed with all diligence to collect such insolvent taxes and to make monthly reports, payments and settlements thereof, with the State auditor, and county treasurer, as he is authorized and required to do in the collection of taxes which have not been declared insolvent; and he is entitled to the same commissions upon such insolvent taxes collected by him as are allowed by law upon the same character of taxes which have not been declared insolvent.

Sec. 171. At the June term of the court held during the year next succeeding the collector must make final report of the uncollected balance of such insolvent taxes, showing the name of every insolvent tax payer from whom he has been unable to collect, and the amounts of State and county taxes

due from him, and an itemized report of the taxes still in litigation; and, thereupon, if the court is satisfied that the collector has made diligent effort to collect such taxes, the court shall make an order allowing the collector credit for such insolvent taxes as he has been unable to collect and for taxes remaining in litigation, and shall credit him with all county taxes included therein; and the presiding officer shall certify the same to the State auditor, who shall thereupon credit the collector with the State taxes included in the lists so allowed. The account for taxes remaining in litigation shall thereafter be kept in such manner as the State auditor may prescribe.

Sec. 172. If the collector, while charged with the collection of insolvent taxes and taxes in litigation, shall retire from office before the expiration of the time allowed him to make such collections, he shall make, to the next term of the court thereafter, the report required by the preceding section; whereupon allowances must be made and certified and credits entered as provided in said section; but his successor in office must be charged with the several accounts so credited to the retiring collector, and is charged with the duty of collecting, reporting, and paying the same, and making final report of uncollected balances in all respects as if no change in office had been made.

Sec. 173. It shall be the duty of the tax collector, whenever, upon information or otherwise, he has good reason to believe that any person owing taxes, whether due or not, is about to leave or remove his property from the county, and thereby the collection of such taxes is endangered, to make out and certify to the judge of probate a bill against such person for the amount of such taxes and any fees due the assessor or collector; and upon the approval thereof by the judge of probate, in writing, indorsed thereon, such bill shall operate as a writ of fieri facias, which the collector is authorized to execute by levy and sale, in the same manner as sheriffs are authorized to execute such writs when issued out of the circuit court.

Sec. 174. On failure of the collector to act when notified that any person assessed is about to leave the county, he shall be liable for the amount of the taxes assessed against such person.

Sec. 175. When the collector has information that any person owing taxes in his county, whether due or not, has removed to another county, he shall make out and certify to the judge of probate a bill against such person and procure the approval thereof by the judge of probate in all respects as pro-

vided in the second preceding section, and such bill shall operate as a writ of fieri facias; and the same may be executed by the collector, if the personal property of the tax payer be found in his county, or may be by such collector forwarded to the collector of the county to which the tax payer has removed, or to the collector of any county in which the tax payer has any personal property; and the collector of such other county, on receipt of the writ, must proceed to execute the same as if issued in his county. He shall remit collections thereon to the collector sending him the writ, and is liable on his bond for any neglect of duty under this section.

Sec. 176. It is the duty of the collector, when engaged in the collection of taxes for any year, if he discovers that any person or property within his county has not been assessed with the tax or taxes lawfully chargeable to such person or property for that year, or any preceding year not more than five years before that time, forthwith to assess and collect the taxes due on the same, and in writing notify the assessor of the fact so discovered in order that proper assessment of unassessed taxes may be made; and the collector has the same authority to administer oaths and propound questions as the assessor has, and any party failing or refusing to answer such questions, or to give in his property, shall be liable to the same penalties as provided in cases where parties fail or refuse to return their property to the assessor, or answer the questions required to be propounded by the assessor; provided that in such assessments of escaped taxes, the tax payer on giving notice to the tax collector, shall have the right to have his assessment passed on by the county board of equalization, and such assessments modified, or rejected, as the evidence adduced to said board shall require.

Sec. 177. Whenever the collector assesses and collects any escaped taxes, he shall forthwith report the same to the tax assessor who shall enter such assessment in the back part of the book of assessments, and shall certify the amount collected and the items of property so assessed in the form of an abstract to the State auditor, and the collector is chargeable with the same to the amount of taxes due the State and county, respectively.

Sec. 178. The tax collector shall keep a separate account of the amount of the poll tax paid by persons of each race in each township or separate school district.

Sec. 179. The collector must report and pay into the State treasury on the first and fifteenth of each month, as other taxes are reported and paid in, all poll taxes collected by him; and

he shall make a report thereof in duplicate, showing the amount due each race in each township or separate school district, one of which reports he shall furnish to the county superintendent of education of his county, and the other he shall forward to the superintendent of education.

Sec. 180. The collector must, within ten days after making his final settlement with the State auditor make to the county superintendent and to the superintendent of education each, a consolidated report of the amount of poll tax collected by him during the year and paid into the State treasury, showing by township or separate school district the amounts collected from each race separately.

Sec. 181. The tax collector on the first and fifteenth days of November in each year, and on the first and fifteenth day of each month thereafter until he makes his final settlement for such year, shall make, under oath, to the county treasurer, or if there be no county treasurer in the county, to the custodian of the funds of the county, an itemized report in writing, a copy of which shall be by the collector, forwarded to the State auditor, setting forth separately the taxes collected by him for the State and county since the making of his last report, and within five days after making such report, he must pay to the State treasurer all State taxes then due from him to the State, and must also pay to the county treasurer all county taxes then due from him to the county, by him, before that time collected. The county treasurer shall give to the tax collector a receipt in duplicate for such semi-monthly report, one of which duplicates shall be promptly forwarded to the State auditor by the tax collector.

Sec. 182. The officer receiving such report must, within three days thereafter, report in writing to the State auditor the amount of State taxes collected by the collector, as shown by his report; and if the collector fails to make his report within the time required by law, such officer must, within three days thereafter, report this fact to the State auditor; and the State auditor shall promptly report to the Governor any failure on the part of a collector to comply with the provisions of the preceding section.

Sec. 183. The tax collector must also, on or before the twentieth day of January and the twentieth day of April in each year render an account to the State auditor, under oath, of the amount of taxes collected by him for the current year on or before the first days of January and April respectively, and upon each accounting, shall be allowed by the State auditor,

the amount then due him for commissions, fees, expenses and outlays in the discharge of his duties, as provided by law.

Sec. 184. On or before the first day of July in each year, the tax collector must make final settlement, under oath, with the State auditor, of all matters pertaining to the office of tax collector, and pay over to the State treasurer the balance which may be found due from him for taxes with which he is chargeable under the laws of the State; and at that time he must also account to the State auditor and pay over to the State treasurer all money received by him for the sale of lands and other property which may have been sold for payment of taxes, and also account to the State auditor for all the lands bought in by the State. He must also report under oath, to the State auditor, and pay over to the State treasurer, all escaped taxes assessed and collected by him. That for the failure of any tax collector to make any of the settlements herein required to be made by the tenth day of July of each year, he shall forfeit \$10.00 per day due him on the amount which may be due and payable by him on such settlements respectively; and it shall be the duty of the State auditor, or the county treasurer, or custodian of county funds, as the case may be, to withhold all commissions in cases where settlements are not made by the said tenth day of July of each year.

Sec. 185. The collector must also, on or before the first day of July in each year, make final settlement, under oath, with the county treasurer for all the county taxes, which have been assessed and levied for the use of the county, and then pay over to the county treasurer the balance of the county tax due from him as such tax collector, and not paid over prior to that date.

Sec. 186. On the death of any tax collector, his personal representative, general or special must, out of the first moneys that come into his hands, belonging to the estate of his decedent, and as soon as the same come into his hands, pay to the proper State and county officers the amount of public funds collected by such decedent, not paid over by him at the time of his death, and must make settlement with such officers of any unsettled accounts of such decedent with the State and county touching the affairs of his office as soon as practicable, and not later than the time when tax collectors are required to make final settlements.

Sec. 187. Whenever any tax collector collects any special taxes, he shall specify in the receipts given to tax payers the amount of such taxes, and the purpose for which they were levied and collected.

Sec. 188. Such special taxes, when collected, must be paid over by him to the county treasurer, and the county treasurer receiving such special taxes shall keep the same separate and distinct from all other public funds, and shall keep a separate account thereof, and shall promptly disburse the same upon orders drawn thereon by the legally authorized authority.

Sec. 189. When the object for which such special taxes were levied and collected shall have been accomplished, or for any other reason, the same are no longer required for the purpose for which they were levied, the parties charged with the administration or application thereof shall notify the treasurer, who shall thereupon close the account of such taxes, and transfer any balance remaining to the account of the general fund of the county.

Sec. 190. In cases where there is no provision of law authorizing the collection of taxes by suit, the taxes which shall become due under the provisions of this act to the State or to any county, city or town, may after the same shall become delinquent, be collected by the State or by any county, city or town by suit in any court of competent jurisdiction.

Sec. 191. Any municipal corporation in this State may by ordinance duly adopted provide for the assessment, equalization and collection of taxes due such municipality by the officers and boards, provided in this act, and all the machinery herein provided for the assessment, equalization and collection of State and county taxes, the enforcement of such collection, the sale of property for the collection of taxes, and the redemption from such sales shall be applicable to the assessment and collection of such municipal taxes, the sale of property for the collection of such municipal taxes, and the redemption from such sales, provided that the assessor and collector shall receive such compensation as may be fixed by the governing body of such municipality, not to exceed one-fourth of one per cent. for assessing and one-fourth of one per cent. for collecting.

SALE OF LANDS FOR THE PAYMENT OF TAXES.

Sec. 192. The probate court of each county is empowered to order the sales of lands therein for the payment of taxes assessed on such lands, or against the owners thereof, when the tax collector shall report to the court that he was unable to collect the taxes assessed against such land, or any mineral, timber, or water right, or special right, or easement therein, or the owner thereof, without a sale of such land.

Sec. 193. It shall be the duty of the tax collector, at the expense of the county, to procure a substantially bound book, in which he shall enter, in the manner usual in docketing causes for trial in the circuit court, each parcel of real estate, or right or interest, or easement therein, assessed to any person against whom taxes have been assessed which are not paid, when a portion or all of such taxes are on such real estate, or right or interest or easement therein, describing the same in the same manner as it is described in the assessment list, and stating the amount of the unpaid taxes, penalties, fees and charges due by such person, specifying the amount due the State, and due the county, and that for fees and charges; and he shall, in like manner, enter in such book each parcel of real estate, or right or interest or easement therein, which has been assessed to an "owner unknown" and the amount of taxes, fees, and charges due thereon, stating in each case the fact that it was so assessed. The description of such real estate or right or interest or easement therein, shall be entered in alphabetical order, by precincts of the residence of the owners, if known, and they reside in the county; but if they are unknown or do not reside in the county, then by the precincts in which the real estate is situate.

Sec. 194. Such book shall be prepared in a neat and orderly manner, in a fair and legible handwriting, with sufficient space in each case to make the necessary entries, and, in other particulars, in a manner suitable for the purposes for which it is to be used; and if it is not thus prepared, the judge of probate shall cause it to be so prepared at the expense of the collector, and the cost thereof shall be deducted from his compensation. Such books shall be delivered to the judge of probate on or before the first day of March; but if from any cause, there has been a failure to deliver the same by that time, it may be delivered thereafter.

Sec. 195. On receiving such book, and as speedily as practicable, the judge of probate shall issue a notice addressed to each person against whom any unpaid taxes are assessed, as shown by such book, substantially in the following form: State of Alabama,County. To.....; the tax collector has filed in my office a list of delinquent tax payers, and of real estate upon which taxes are due. You are reported as delinquent, and your tax amounts to..... with costs added. This is to notify you to appear before the probate court of said county at the next term thereof, commencing on Monday, the day of, then and

there to show cause, if any you have, why a decree for the sale of property assessed for taxation as belonging to you, should not be made for the payment of the taxes thereon and fees and costs. Judge of Probate." Such notice must be served by the tax collector, or his deputy, by handing a copy thereof to the party to whom it is addressed, or his agent, or by leaving a copy thereof at the residence or place of business of such party, or his agent; and with his endorsement thereon, showing how and when served, showing his reasons for not serving the same, it must be by the collector or his deputy returned into court on or before the first day of the next term thereof. If the party against whom such assessment was made has since died, and letters testamentary or of administration have been granted upon his estate, such notice must, in like manner be served on his personal representative, if a resident of the county. If the property or other subjects embraced in any assessment were returned or listed by a guardian, or other person, for a minor, or person of unsound mind, or by a trustee for his cestui que trust, except husband for wife, or by personal representative for the estate of any deceased person, or by a public officer, receiver, or appointee of any court, such notice must in like manner, be served on the party making the return, or his successor, and also by publication or posting, as provided in the next succeeding section; and the book to be prepared and delivered to the judge of probate by the collector, must show, in each case, by whom such returns were made.

Sec. 196. If the person against whom such assessment is made is a non-resident of the county, and has no agent therein known to the tax collector, or if he has died since making the return and there is no executor or administrator of his estate residing in the county, such notice may be given by publishing the same in a newspaper published in the county, or if no newspaper is published therein, by posting the same at the court house of the county for three weeks.

Sec. 197. When any assessment is made to an "owner unknown" notice must be given by publication once a week for three successive weeks, in a newspaper published in the county or if no newspaper is published therein, by posting the same at the court house of the county for three weeks, substantially in the following form: "The State of Alabama, County. "To whom it may concern: Take notice that the tax collector has filed in my office a list of delinquent tax payers, and of real estate upon which taxes are due; and therein is re-

ported as assessed to 'owner unknown' the following real estate, to-wit: (here insert descriptions.) This is to notify you to appear before the probate court of this county, at the next term thereof, commencing on Monday, the day of, then and there to show cause, if any you have, why a decree for the sale of said real estate should not be made for the payment of the taxes assessed upon the same, fees and costs." Judge of Probate." In answer to such notice, any person having an interest in or claim to such real estate, may appear and defend against the proceedings seeking to condemn the same to sale for the payment of the taxes assessed thereon. When practicable, all real estate so assessed for any one year, must be incorporated in one notice, a separate paragraph only, in addition to the caption and conclusion, being given to the description of the real estate embraced in each assessment.

Sec. 198. The publication of notices under the three preceding sections is governed by the provisions of this act relating to the publication of notices of sale of land, so far as the same may be applicable, and the tax collector may select the newspaper in which any notice under this article shall be given, but all legal notices relating to the sale of land for taxes shall be inserted in the same newspaper for the tax year.

Sec. 199. If the service of notice is perfected before the commencement of the term to which it is returnable, but not in time for trial at such term, the cause shall stand for trial at the next succeeding term. If any notice is not returned or is returned not served, other notices may be issued returnable to other terms of the court until service has been had, and if two notices to the same person are returned not served, notice by publication or posting may be given as in case of non-residence. For good and sufficient reason made known to the court, any cause may be continued from term to term.

Sec. 200. It shall be the duty of the tax collector to attend the several terms of the probate court, at which any of such causes are triable, and to have with him his tax book; and such tax book shall, in all cases, be accepted as prima facie evidence of the amount of taxes and fees due, and that the same have been properly assessed and charged, and are unpaid.

Sec. 201. If service of such notice is perfected ten days before the commencement of the term to which the same is returnable, the cause shall stand for trial at such term; and if no defense is interposed, or if interposed, and on trial thereof, the same is adjudged insufficient in law, or is not sustained by

the evidence adduced, the probate court shall make and enter on such book or docket a decree of sale, substantially in the following form: "It appearing to the court that taxes have been assessed against the person mentioned in this cause, (or, if the assessment is to an "owner unknown" that taxes have been assessed on the real estate mentioned in this cause), to the amount of dollars for the year and that the same are still due and unpaid; and it further appearing that notice of this proceeding has been given as required by law, and no valid defense has been interposed against the sale of such real estate for the payment of the taxes. It is, therefore, ordered, decreed and adjudged by the court, that the State of Alabama has a lien for the payment of said amount and for the additional sum ofdollars for fees, charges and costs in this behalf lawfully incurred, on the following described real estate, to-wit: (Here insert description.) It is further ordered, adjudged and decreed by the court that said real estate, or so much thereof as may be necessary, be sold for the payment of said delinquent taxes, and of said fees, charges and costs, and of the expenses of such sale." Such decree, when entered, shall be signed by the judge of probate, and shall have, when jurisdiction of the court is shown, the effect of judgments in other cases.

Sec. 202. Immediately at the end of any term of court at which any decree for sales of real estate for the payment of taxes are rendered, or as soon thereafter as practicable, the tax collector shall proceed to enforce such decrees by sales of real estate ordered to be sold, and to this end he shall give notice for thirty days before the day of sale, by publication for three successive weeks in some newspaper published in the county, or at least three weeks before the day of sale shall post a notice at the court house in his county, and at some public place in the precinct in which the real estate is situated, that at the time specified therein, he will proceed to sell such real estate separately, describing such portions as are embraced in each decree, and stating the amount for which each decree was rendered (without stating the items of which said decree is composed), and the person against whom the taxes embraced in such decree were assessed, or if assessed to "owner unknown," stating that fact. The rate to be charged for publishing such notice in a newspaper shall not exceed one and one-half cents per word for the first insertion, and one cent per word for each subsequent insertion; but no allowance shall be made for the publication of any matter other than is required by law; and if

no newspaper is published in the county, or if the publication of the notice cannot be had in the county at the above rate, the posting of the notice at the court house, and at a public place in the precinct in which the real estate is situated, as required by this section, shall be sufficient notice of such sale.

Sec. 203. In all advertisements and notices of the proceedings in the probate court for the sale of the lands for taxes and of such sales, and in all entries required to be made by the judge of probate, tax collector, or other officer, initial letters, abbreviations, and figures may be used to indicate townships, ranges, sections, parts of sections, blocks and lots, and dates and amounts; and in estimating the costs of publication, each amount, date or number, and each initial letter or abbreviation shall be counted as a word. In all advertisements of the sale of real estate, the notice shall state the precinct in which the property is situated. Provided that all provisions of existing laws relating to taxation and revenue which are not in conflict with the provisions of this act are not hereby repealed, and provided further, that nothing herein contained shall in any wise affect the collection of any taxes now due the State or any county therein, or operate to abate or discontinue any suit or action of any character instituted or begun for the collection thereof.

Sec. 204. Such sales shall be made in front of the door of the court house of the county at public outcry, to the highest bidder for cash, between the hours of ten in the morning and four in the afternoon, and shall continue from day to day until all the real estate embraced in the decree has been sold. The judge of probate must attend such sales, and make a record thereof in a book to be kept by him in his office for that purpose, in which he shall describe each parcel of real estate sold, and state to whom sold, the price paid by the purchaser, the date of sale, and if no sale was effected, stating that fact, and the reason thereof, and also, in separate columns, the amounts, as taken from the book or docket in which the decrees are entered, of each kind of tax, penalties, and of the fees and costs in each case, and he must also enter in such docket, in each case, the land sold under the decree in that case, the purchaser thereof, and the amount at which it was sold.

Sec. 205. It shall be the duty of the tax collector, in making such sales, if practicable, to so offer such real estate for sale that only such portion thereof may be sold as is necessary to satisfy the decree under which it is sold, and the expenses of

the sale; but no sale shall be made for a sum less than the amount of such decree and expenses.

Sec. 206. The person to whom any real estate at such sale is knocked off shall forthwith pay to the collector the amount of his bid, and on his failure to do so, the collector must proceed at once to again offer it for sale.

Sec. 207. If no person shall bid for any real estate offered at such sale an amount sufficient to pay the sum specified in the decree for sale, and the costs and expenses subsequently accruing, the judge of probate shall bid in such real estate for the State, at a price not exceeding the sum specified in such decree and such subsequently accruing costs and expenses.

Sec. 208. As soon after the sale as practicable, the tax collector must make out and deliver to each purchaser, other than the State, a certificate of purchase, which shall contain a description of the real estate sold, and show that the sum was assessed by the assessor, to whom assessed, the date of assessment, for what year or years the taxes were due, the amount of taxes due thereon, distinguishing the amount due the State and county, and for school purposes, and the fees and costs; that it was advertised and how long, and that it was offered for sale, and at what time, and who became the purchaser, and at what price.

Sec. 209. For the real estate bid off for the State, in each case, the judge of probate shall make out a certificate of purchase to the State, of like import to the one provided for in the preceding section, and deliver the same to the tax collector, who shall, on final settlement, deliver all certificates received by him from the judge of probate to the State auditor, who shall cause the same to be recorded in a book kept in his office for that purpose, and properly indexed for convenient reference. Lands bid for the State shall not be thereafter assessed, except as hereinafter provided, until the same have been redeemed or sold by the State.

Sec. 210. The cost of advertising the caption and conclusion of notices for the sale of real estate for the payment of taxes, and so much thereof as pertain to those portions of such real estate as are bid off for the State, must be paid by the the State; and the State auditor shall, after every such sale, and after the collector has filed with the State auditor the certificates of sales and purchases by the State, as provided in the preceding section, audit the account of the owner or proprietor of the newspaper in which such notices were published, and shall draw his warrant on the State treasurer in favor of such

owner or proprietor for the amount he may find to be lawfully due him, and payable by the State and the treasurer shall pay the same; but the State shall pay no other costs attending any tax sale.

Sec. 211. The cost of advertising the part of such notices, pertaining to lands purchased by others than the State, shall be covered by the bids of the purchaser, and collected by the collector as part of the purchase money, but for the use of the owner or proprietor of the newspaper in which such notices were published, and shall be by the collector paid over to him on demand; and for such portions of such costs, as well as for the cost of advertising lands inserted in the notice by the mistake of the collector, such collector and the sureties on his official bond shall be liable to the owner or proprietor of such newspaper.

Sec. 212. The certificate of purchase, delivered by the tax collector to a purchaser at such sale, is assignable in writing or by indorsement; and an assignment thereof vests in the assignee, and his legal representatives, all the right and title of the original purchaser.

Sec. 213. If the assessor, collector, judge of probate or any member of the county board of equalization, shall directly or indirectly, be concerned or interested in the purchase of any real estate sold for taxes, the sale shall be void, and he and his sureties on his official bond shall be liable to a penalty of not exceeding five hundred dollars, to be fixed by the jury, which may be recovered in an action in the circuit court, or court of like jurisdiction, brought on the relation of any tax payer of the county, in the name of the State, one-half of the amount recovered to be paid to the relator, and the other half to the State.

Sec. 214. From any decree rendered by the probate court for the sale of real estate for the payment of taxes, the defendant in the cause or the State, in behalf of itself and the county, may appeal to the next term of the circuit court, or court having like jurisdiction of the county, within thirty days after the rendition of the decree. If the defendant appeals, he must execute a bond in double the amount of the decree, payable to the State of Alabama, with sufficient surety, to be approved by the judge of probate, and conditioned that he will prosecute the appeal to effect, and pay such judgment as the appellate court may render thereon; but the State shall not be required to execute any bond. The solicitor of the circuit or county shall represent the State on such appeal, and of the pendency thereof

the judge of probate must give him notice in writing; and on appeal by the State, notice thereof shall be given the defendant, as in other cases of appeal from the court to the circuit court. Such appeal must be tried de novo, upon an issue made up under the direction of the court. If the defendant appeals, and the issue is decided adversely to him, the court must render judgment against him and his sureties in favor of the State for the amount of the taxes, fees and costs, besides the costs of the appeal and such judgment shall be a lien upon the lands described in the decree from which the appeal was taken which lien, with a description of the lands, must be declared in the judgment.

Sec. 215. Any money collected on such judgment, except for costs of court, must be paid to the tax collector, who shall account for and pay the same over to the officers and person entitled to receive the same.

Sec. 216. For each notice to a delinquent landowner to show cause why a decree of sale should not be rendered, the judge of probate is entitled to a fee of fifty cents, and for each decree of sale, fifty cents; the tax collector shall have twenty-five cents for serving each notice, but for his attendance at court, he shall receive no pay; but in case of appeal, the sheriff and the clerk of the appellate court shall be entitled to the same fees as for like services in other cases.

Sec. 217. The excess arising from the sale of any real estate remaining after paying amount of the decree of sale, and costs and expenses subsequently accruing, shall be paid over to the owner, or his agent, or to the person legally representing such owner, or into the county treasury, it may be paid therefrom to such owner, agent, or representative in the same manner as the excess arising from the sale of personal property sold for taxes is paid. If such excess is not called for within three years after such sale by the person entitled to receive the same, upon the order of the court of county commissioners or the board of revenue stating the case or cases in which such excess was paid, together with a description of the lands sold, when sold, and the amount of such excess, the county treasurer shall pay such excess of money to the credit of the general fund of the county, and make a record on his books of the same, and such money shall thereafter be treated as part of the general fund of the county. At any time within ten years after such excess has been passed to the credit of the general fund of the county, the court of county commissioners, or board of revenue may, on proof made by any person that he is the rightful

owner of such excess of money, order the payment thereof to such owner, his heir, or legal representative, but if not so ordered paid within such time, the same shall become the property of the county.

Sec. 218. After the expiration of two years from the date of the sale of any real estate for taxes, the judge of probate then in office must execute and deliver to the purchaser, other than the State, or person to whom the certificate of purchase has been assigned, upon the return of the certificate and payment of a fee of one dollar to the judge of probate, a deed to each lot or parcel of real estate sold to the purchaser, and remaining unredeemed, including therein, if desired by the purchaser, any number of parcels, or lots purchased by him at such sale; and such deed shall convey to and vest in the grantee all the right, title, interest and estate of the person whose duty it was to pay the taxes on such real estate, and the lien and claim of the State and county thereto; but it shall not convey the right, title or interest of any reversioner or remainderman therein.

Sec. 219. Such deed shall be signed by the judge of probate in his official capacity, and by him acknowledged before some officer authorized to take acknowledgment of deeds, and it shall be, in all the courts of the State, prima facie evidence of the regularity of all proceedings subsequent to the judgment recited therein, in any controversy, proceeding, or suit involving or concerning the rights of the purchaser, his heirs, or assigns to the real estate thereby conveyed.

Sec. 220. The attorney general must furnish the State auditor with suitable forms of certificates of purchase and deeds to purchasers at sales of real estate for taxes, from which the State auditor shall cause to be printed a sufficient number of blank certificates and deeds, and distribute the same among the several judges of probate, to be used by them and tax collectors on sales of lands for taxes.

Sec. 221. It shall be the duty of the State auditor to transmit to the tax assessor of each county, by the first day of August of each year, a descriptive list of all the lands in the county reported to him as bid in for the State during the year, and not redeemed, and it shall be the duty of the assessor to present such descriptive list to the county board of equalization, and it shall be the duty of the said board, assisted by the assessor, to compare such list carefully with the record of sales of lands for taxes in the county, and of the redemption thereof, and to ascertain if any of such lands have been redeemed, or were not

liable for the taxes for which they were sold; and if any of such lands are ascertained to have been redeemed, or to have been sold for taxes for which they were not liable the said board shall promptly certify the facts to the State auditor, and the probate judge shall correct the record of land sales in his office accordingly. The county board of equalization shall put a fair valuation on the remainder of the lands contained in such descriptive list; and shall enter such valuation and shall calculate the taxes upon such descriptive list and return the same to the State auditor, who shall thereupon, and annually thereafter until such land is redeemed or recovered, or sold by the State, without further assessment, add the amount of the taxes so assessed on such valuation to the amount for which the lands were sold, and such proceedings shall have the effect of a due assessment of taxes against said lands. The assessor shall furnish to the judge of probate a copy of the list returned to the State auditor, and it shall be the duty of the judge of probate to enter the taxes therein calculated on the record of sale thereof kept in his office.

ERRONEOUS SALES.

Sec. 222. The State auditor shall examine carefully all certifications of purchase of real estate, where the same were bid in for the State at tax sale, that are on file in his office, or that may be hereafter by him received, and if, in his opinion, such sale was erroneous for want of regularity, improper or insufficient description, error in advertisement, or for any other cause that may come within his knowledge, he shall so declare it, and return such certificate to the judge of probate in the county of such sale; he shall also notify the tax assessor of the county in which the property is situated, and direct him to assess the same as an escape for the years in which it is subject under existing laws. But in no case where sales are declared erroneous or void by the auditor shall any penalty attach to the taxpayer, except interest on taxes, all cost accruing shall be paid by the officer making the error.

Sec. 223. When land which has been sold for taxes and purchased by the State has been sold by the State at private sale, and the purchase money has been paid into the State and county treasuries, and it shall be made to appear to the satisfaction of the State auditor, that such sale was invalid by reason of the fact that the taxes for which the land was sold were not due, the purchaser of said land from the State, his heirs or

assigns, shall upon the surrender of the deed from the State and the cancellation of the same, be entitled to have the purchase money paid for the said lands refunded, provided application shall be made therefor, as hereinafter provided, within two years from the date of the deed made by the State.

Sec. 224. When land has been sold for taxes and purchased by any one other than the State, and the purchase money has been paid into the State and county treasuries, and it shall be made to appear to the satisfaction of the State auditor that such sale was invalid by reason of the fact that the taxes for which the land was sold were not due, the purchaser of said land, his heirs or assigns, upon the surrender of the certificate of purchase, shall be entitled to have the amount paid for the purchase of said land refunded to him, provided application shall be made therefor as hereinafter provided within two years from the date of sale, and before the execution of a deed to such purchaser.

Sec. 225. Any tax payer who through any mistake, or by reason of any double assessment, or by any error in the assessment or collection of taxes, or other error, has paid taxes that were not due upon the property of such tax payer, shall unless said tax was with knowledge of the facts voluntarily paid by the tax payer, be entitled, upon making proper proof to the satisfaction of the State auditor of such payment, be entitled to have such taxes refunded to him, provided application shall be made therefor, as hereinafter provided, within two years from the date of such payment.

Sec. 226. In order to procure the refunding under the provisions of the three preceding sections, of the amounts erroneously paid for the purchase of property or for the taxes on property, the purchaser or the tax payer, as the case may be, his heirs or assigns, shall file in duplicate a petition directed to the judge of probate of the county wherein the land is situated setting up the facts relied on to procure the refunding of the money so erroneously paid, and thereupon the judge of probate shall examine said petition and also the tax books of his county, and if the facts set forth in the petition are such as to entitle the petitioner to the refunding of the money as prayed for, he shall so certify to the auditor, stating the amount to be refunded by the State, and forward to the auditor a copy of the petition with his certificate endorsed thereon, and if the auditor shall be satisfied that the petitioner is entitled to have the money refunded to him, he shall draw his warrant on the State

treasurer in favor of the petitioner for such an amount as the certificate of the probate judge shows should be refunded.

Sec. 227. The judge of probate shall likewise certify his findings on the duplicate petition, stating the amount of money which petitioner is entitled to receive from the county, and such petition, with his certificate endorsed thereon, he shall deliver to the petitioner, who may present the same to the court of county commissioners, and if said court is satisfied with the proof of the claim made by the petition, the court must allow said claim to the amount of the tax paid to the county, and draw a warrant on the treasurer of the county for the amount allowed in favor of the petitioner.

RIGHTS AND REMEDIES OF PURCHASERS OF LAND AT TAX SALES.

Sec. 228. When the sale of any land sold for the payment of taxes is, for any cause, ineffectual to pass the title to the purchaser, whether individual or the State, except in the cases in which such sales are in this act expressly declared to be invalid, such sale shall operate as an assignment to the purchaser of the rights and liens of the State and county in and to the lands sold, both as to the taxes paid by said sale, and as to the taxes subsequently paid by the purchaser.

Sec. 229. When lands are sold for taxes which are not liable therefor, the purchaser may recover from the officer by whose fault or neglect the assessment or sale was made, and the sureties on his official bond, the amount of the purchase money paid by him therefor, with interest thereon from the day of sale together with all costs which are adjudged against him in any suit concerning said land involving such tax title.

Sec. 230. In case of the sale of any real estate, either for the collection of the taxes thereon or for the collection of other taxes due by the owner thereof, said real estate shall be described in all proceedings incident to the condemnation and sale thereof, and in the certificate and deed issued to the purchaser at said sale in the manner described in the assessment thereof, and in case of failure of the tax collector to so describe said property in any part of said proceedings, certificate or deed, by reason of which said deed may be held insufficient to convey the property intended to be referred to, the said tax collector and the sureties on his official bond shall be liable to the purchaser at said tax sale for all amounts paid by him for such land, together with cost of suit for same. Should, however, the

property be insufficiently described in the assessment thereof, the said tax assessor and the sureties on his official bond shall likewise be responsible to the purchaser or in case the said liability has been enforced against said tax collector, then the said assessor and the sureties on his official bond shall be liable to the tax collector, or his sureties, for whatever sum he shall have been compelled to pay to said purchaser on account of said defect together with cost adjudged against him in suit for such lands.

Sec. 231. If in any suit brought for the possession of land sold for taxes the title of the purchaser at the tax sale shall be defeated on account of any defect in the proceedings under which the sale is had, or on account of any defect in or insufficiency of the process by which the owner of the land was brought before the probate court, as is provided, or in the service of said process, or by reason of the failure of the judge of probate on account of any negligence or refusal on his part to produce, when called upon sufficient evidence of the proper issuance and service of said notice or process, or by reason of any other defect or insufficiency in any of the proceedings for the condemnation and sale of said property, or of the certificate or deed to said purchaser, or any two or more of said causes, the officer or officers on account of whose omission or error said defect or insufficiency, or defects or insufficiencies shall have arisen, together with the sureties on the official bond, shall be liable to the purchaser whose title shall be thus defeated, and to his assignees for the full sum of the purchase money paid by him at said tax sale for said property, the cost of the suit in which said title failed, which the purchaser shall have incurred in attempting to maintain his title under said tax sale, together with the interest upon each of these amounts, at the rate of twelve per cent per annum; provided, that except as to the State suits under this section shall be commenced within five years from the sale.

Sec. 232. The State or any other purchaser of lands at a tax sale, or any one claiming under him, may, after the expiration of six months from the day of sale, maintain an action of ejectment or of unlawful detainer, or a statutory real action in the nature of ejectment, for the recovery of the possession of the lands purchased at such sale, and shall be entitled to hold the possession thereof, on a recovery, but subject to the right of redemption hereinafter provided for. When the State is the purchaser the State auditor may, if in his judgment it is to the interest of the State, after the expiration of six months from

the date of sale, institute legal proceedings in the name of the State to recover possession of the real estate so bid in at tax sale, and when so recovered such real estate shall stand subject to sale, or it may be rented out if the Governor so directs; but if the title fails, the auditor shall direct the proceedings to ascertain and enforce the tax liens, charges, interest and penalties for the benefit of the State, as in case of other purchasers. And the State auditor may bring the suits authorized under the three preceding sections in proper cases.

Sec. 233. If, in any suit brought by the purchaser, or other person claiming under him, to recover the possession of lands sold for taxes, a recovery is defeated on the ground that such sale was invalid for any other reason than that the taxes were not due, the court shall forthwith, on the motion of the plaintiff, ascertain the amount of taxes for which the lands were liable at the time of the sale, and for the payment of which they were sold, with interest thereon from the date of sale, and the amount of such taxes on the lands, if any, as the plaintiff, or the person under whom he claims, has, since such sale, lawfully paid or assumed by the State after its purchase, with interest thereon from the date of such payment, the interest on both amounts to be computed at the rate of twelve per cent. per annum; and the court shall thereupon render judgment against the defendant in favor of the plaintiff for the amount ascertained, and the costs of the suit, which judgment shall constitute a lien on the lands sued for, and payment thereof may be enforced as in other cases.

Sec. 234. If, in a suit brought against such purchaser, or other person claiming under him, to recover possession of lands sold for taxes, the defendant claims and defends under the tax title, and his defense fails on the ground that such sale was invalid for any other reason than that the taxes were not due, and the plaintiff recovers, the court shall forthwith, on motion of the defendant, ascertain the amount of taxes for which the lands were liable at the time of the sale, and for the payment of which they were sold, with interest thereon from the day of sale, and the amount of such taxes on the lands, if any, as the defendant, or the person under whom he claims, has, since such sale, lawfully paid or assumed, in case of the State, with interest thereon from the date of such payment, the interest on both amounts to be computed at the rate of twelve per cent. per annum; and the court shall thereupon render judgment against the plaintiff in favor of the defendant for the amount ascertained, and the costs of the suit. Which judg-

ment shall constitute a lien on the land sued for, the payment of which may be enforced as in other cases and no writ of possession shall issue until such judgment has been satisfied, the court may order the land sold or condemn it to the satisfaction of the debt.

Sec. 235. In any suit under the provisions of either of the last two preceding sections, the party claiming adversely to the tax title may, at any time, tender the amounts required in such sections to be ascertained by the court, with interest as therein prescribed; and no costs accruing after such tender shall be recovered of him, if, upon a refusal of the tender, he shall pay such amounts into court.

Sec. 236. In a suit brought to recover the possession of lands, if either party claims under a tax title, he must in order to entitle himself to the benefits of the three preceding sections, state in his complaint or plea, that he claims or defends, as the case may be, under a tax sale, giving the date of such sale; and such statement shall be a sufficient averment of the facts necessary to entitle him to such benefits.

Sec. 237. If in any suit brought to recover the possession of lands sold for taxes, by or against the purchaser, or other person claiming under him, it is shown that the party claiming adversely to the tax title, being entitled to redeem, made within the time allowed for redemption, the payment required by law for the redemption of such lands, or made tender thereof, and the amount of such tender has been paid into court for the opposite party, judgment must be rendered in his favor for the costs accruing after such payment or tender, except as against the State.

Sec. 238. Unless otherwise provided, on the trial of any issue involving the sale of real estate for taxes, or the redemption thereof, the books and records belonging to the office of the judge of probate, tax collector or tax assessor, and required by law to be kept, or certified copies therefrom, shall be prima facie evidence of the facts stated therein.

Sec. 239. No action for the recovery of real estate sold for the payment of taxes shall lie, unless the same is brought within three years from the date when the purchaser became entitled to demand a deed therefor; but if the owner of such real estate was, at the time of such sale, under the age of twenty-one years, or insane, he, his heirs, or legal representatives, shall be allowed one year after such disability is removed to bring suit for the recovery thereof; but this section shall not apply

to any action brought by the State; provided, however, that the provisions of this section shall not apply to cases in which the owner of the real estate sold had paid the taxes, for the payment of which such real estate was sold, prior to such sale; nor shall they apply to cases, in which the real estate sold was not, at the time of the assessment, or the sale, subject to taxation.

Sec. 240. When the suit is against the person against whom the taxes were assessed, or the owner of the land at the time of the sale, his heir, devisee, vendee, or mortgagee, the court shall on motion of the defendant, made at any time before the trial of the cause, ascertain the amount paid by the purchaser at the sale, and of the taxes subsequently paid by the purchaser, together with ten per cent. per annum thereon, and a reasonable attorney's fee for the plaintiff's attorney for bringing the suit, and shall enter judgment for the amount so ascertained in favor of the plaintiff against the defendant, and the judgment shall be a lien on the land sued for. Upon the payment into court of the amount of the judgment and costs, the court shall enter judgment for the defendant and for the land and all title and interest in the land, shall, by such judgment, be divested out of the owner of the tax deed.

REDEMPTION OF LANDS SOLD FOR TAXES.

Sec. 241. Real estate sold for taxes and purchased by the State may be redeemed at any time before the title passes out of the State, or if purchased by any other purchaser, may be redeemed at any time within two years from the date of the sale by the owner, his heirs, or personal representative, or by any mortgagee or purchaser of such lands, or any part thereof, or by any person having an interest therein, or in any part thereof, legal or equitable, in severalty or as tenant in common, including a judgment creditor, or other creditor having a lien thereon, or any part thereof; and an infant or insane person entitled to redeem at any time before the expiration of two years from the sale, may redeem at any time within one year after the removal of his disability; and such redemption may be of any part of the lands so sold, which includes the whole of the interest of the redemptioner.

Sec. 242. In order to obtain the redemption of land from tax sales, where the same has been sold to the State, the party desiring to make such redemption shall deposit with the judge of probate of the county in which the land is situated the

amount of money for which the lands were sold, with interest thereon at the rate of ten per cent. per annum from the date of sale, together with the amount of all taxes due on such lands since the date of sale, with interest thereon at the rate of eight per cent. per annum from the maturity of such taxes, and all costs and fees due to officers as set out in the following section.

Sec. 243. In order to obtain the redemption of land from tax sales where the same has been sold to another than the State, the party desiring to make such redemption shall deposit with the judge of probate of the county in which the land is situated, the amount of money for which the lands were sold, with interest thereon at the rate of ten per cent. per annum, from the date of sale, together with the amount of all taxes which have been paid by the purchaser, which fact shall be ascertained by consulting the records in the office of the tax collector, with interest on said payments at eight per cent. per annum. If any taxes on said land have been assessed to the purchaser and have not been paid, and if said taxes are due, which fact may be ascertained by consulting the tax collector of the county, the probate judge shall also require the party desiring to redeem said land, to pay the tax collector the taxes due on said lands, which have not been paid by the purchaser, before he is entitled to redeem the same. If any taxes have been assessed against said lands and have not been paid by the purchaser because the same are not due, it shall be the duty of the party seeking to redeem such lands to deposit the amount of the taxes assessed for the current year with the tax collector, to be by him applied to the payment of such taxes when due, and the purchaser shall thereafter be relieved from any further liability on account of such taxes. In all redemptions of land from tax sales, the party securing such redemption shall pay all costs and fees due to officers and a fee of one dollar to the judge of probate for his services in the matter of such redemption.

Sec. 244. When distinct lots or parcels of land have been included in one assessment, and sold for taxes under one decree, any person other than the person against whom the decree was rendered, whose interest in one or more of such lots or parcels, is such as to entitle him to redeem, but who has no interest in the other lots or parcels sold under such decree, may redeem the lots or parcels in which he has such interest, without redeeming those in which he has no interest.

Sec. 245. A person desiring to redeem any separate lot or parcel of land, as authorized by the preceding section, must file with the judge of probate application in writing, under oath, setting forth the date of the decree, the name of the defaulting tax payer against whom the same was rendered, the description and character of each lot or parcel of land included in the decree and the assessed value thereof, if separately valued in the assessment, or if not separately valued, stating that fact, and stating the assessed value of the whole of the lands, a description of the lot or parcel which the applicant seeks to redeem, and if not separately valued in the assessment, stating the value thereof at the time of the assessment, the nature of his interest in such lot or parcel, and that he has no other interest in the other lots or parcels; and such applicant must deposit with the judge of probate a sum of money which bears the same proportion to the amount of taxes and interest which would be required to redeem all the lands included in the decree, that the value of such lot or parcel as separately assessed or if not separately assessed, as ascertained by the judge of probate, bears to the value of the whole of the lands included in the decree, and in addition thereto, such applicant must deposit the amount of all costs to officers which may have accrued upon such assessment and sale.

Sec. 246. The judge of probate must before allowing the redemption of a separate lot or parcel of land under the two preceding sections, submit the application, together with a copy of the statement or calculation ascertaining the amount to be paid on such redemption to the State auditor for his approval, and the auditor may call upon the judge of probate or the assessor or the collector for any information he may desire touching the application. If the State auditor is satisfied that the applicant is entitled to redeem such lot or parcel of land, and that the proper amount of money has been deposited with the judge of probate, the State auditor shall indorse his approval upon the application and return the same to the judge of probate, who must allow the redemption; but without the approval of the State auditor, the judge of probate must not allow the redemption, and must return to the applicant the money deposited by him for that purpose. When such application is made within the time allowed by law for the redemption, the same may be perfected as herein provided, notwithstanding the expiration of such limitation, provided, that where the land sought to be redeemed has been purchased by an individual and

not by the State, it shall not be necessary to submit the matter to the State auditor.

Sec. 247. Upon the payment of the amount required by law for the redemption of the lands sold for taxes by a person entitled to redeem, the judge of probate must issue such person a certificate of redemption describing the lands, setting forth the facts of the sale, substantially as contained in the certificate of purchase, the date of redemption, the amount paid, and by whom the lands were redeemed, and he must make the proper entries in the book of sales in his office and immediately give notice of such redemption to the county treasurer, or custodian of the county funds and the certificate must then be presented to such treasurer, or custodian of county funds who shall countersign the same, and unless so countersigned, no certificate shall be held as evidence of redemption. And it shall be the duty of the judge of probate to keep a book of certificates of redemption, and every blank shall have a stub attached thereto, on which shall be printed such matter as the State auditor may prescribe with appropriate blank spaces to be filled by the judge of probate upon the issuance of any certificate of redemption. The State auditor shall take and file in his office a proper receipt from the judge of probate for the certificates of redemption so furnished him. If such lands were bid in by the State, the person redeeming shall present to the State auditor the certificates of redemption and the State auditor shall give to such person a certificate releasing all claims to the land acquired by the State at the tax sale.

Sec. 248. If the lands redeemed were bid in by any person other than the State, the redemption money must be deposited by the judge of probate in the county treasury, and there kept separate and apart from the general funds of the county, and the judge of probate shall notify the purchaser of such deposit by mailing notice to the residence or place of business of the purchaser, or to such address as the purchaser may furnish the judge of probate at the time he secures his certificate of purchase; and upon the demand of the purchaser, his personal representative or assignee, and the surrender of the certificate of purchase, the judge of probate must give him an order on the treasury for the same.

Sec. 249. When lands which have been bid in by the State are redeemed, the judge of probate must during the month in which said redemption is made, remit to the State treasurer, at the expense of the State, the proportion of the

redemption money belonging to the State, and pay into the county treasury the proportion of such money belonging to the county, and to the proper authorities the proportion belonging to the school fund, if any; and upon all such money so paid over during the month of collection, he is entitled to commission at the rate of two and one-half per cent., which he may deduct therefrom, but he shall not be allowed any commissions on any money not so paid over; and on the last business day of each month the judge of probate shall certify to the auditor and to the county treasurer, upon blanks to be furnished by the auditor, a full and correct statement of all real estate bid in by the State, and redeemed, showing separately the amount of State, county and school taxes and penalties and costs received by him on such redemption, and if no lands have been redeemed, he shall report that fact.

Sec. 250. Within five days after the redemption of any real estate bid in by the State, the judge of probate shall notify the tax assessor and tax collector of his county thereof, and shall on demand, pay to them the costs and fees to which they are respectively entitled; and the assessor shall enter such real estate, and the name of the person redeeming the same, on an appropriate list to be kept by him for assessment.

Sec. 251. Neither the purchaser nor any one claiming under him, who may have lawfully obtained possession of any real estate purchased at tax sales, shall be liable upon the redemption of such real estate, to account to the owner for any rents, issues and profits, he shall be held and considered the rightful owner of such real estate, unless such owner at the time of the sale, was a minor, a person of unsound mind, and had no guardian, or his guardian was not lawfully served with notice of the proceedings had in the court of probate for the sale of such real estate, in which event such purchaser, or other person in possession, shall be liable for rents, issues and profits, as in other cases; provided that neither such purchaser nor any one claiming under him shall have the right to cut standing timber from land so purchased at tax sales until he shall have received a deed for the land from the probate judge; any one in possession shall have the right to the growing crops planted by him.

Sec. 252. It shall be the duty of the State auditor to cause to be prepared a suitable book, in which shall be entered a description, as accurate as can be obtained, of all the lands which have been bid in by the State, with the amount of State and

county taxes due thereon, the date when such lands were bid in; and when two years shall have elapsed from the date of sale, such portions of such lands as have not been redeemed shall be subject to sale by the State; and the State auditor, with the approval of the Governor, may sell the same at private sale to any purchaser who may pay therefor in cash to the treasurer, such sum of money as the State auditor and State treasurer, with the approval of the Governor, may ascertain to be sufficient to cover and satisfy all claims of the State and county, which sum shall not be less than the whole amount of taxes, interest, costs, and officer's fees, as provided for and required to be paid in case of the redemption of such lands.

Sec. 253. When application is made to the State auditor by any person to purchase lands in which such person had no interest, it shall be the duty of the State auditor to mail a notice in writing to the owner, or some person having an interest in such lands, if his place of residence is known, or if not known, then to the judge of probate of the county in which such lands are situated, informing him that such application has been made and fixing a reasonable time within which owner or other person having an interest in the lands may redeem the same; the judge of probate shall cause the notice to be posted at the court house, and he shall mail a copy of said notice to the owner, if known to him; and if such lands are not redeemed within the time so fixed, the same shall be sold to the applicant, or any other person desiring to purchase the same, without other or further notice to such owner or persons having an interest in the lands. If such lands are redeemed within the time so fixed, the judge of probate must, without delay, report the same to the State auditor, and pay over the redemption money as required by law.

Sec. 254. When lands have been sold by the State, as provided in the two preceding sections, and the purchase money has been paid, the State auditor, in behalf of the State, shall execute to the purchaser a deed, duly acknowledged, without warranty or covenant of any kind on the part of the State, express or implied, conveying to him all the right, title and interest of the State in and to the lands purchased by him; and such purchaser shall thereafter have all the right, title and interest of the State in and to such lands, and shall be held and treated as the assignee of all the taxes due upon such lands, or for which they were sold, and the penalties and all of the taxes that should have been under the law assessed upon the same, if

they had been the property of a private citizen of the State; and shall be clothed with all the rights, liens, powers and remedies, whether as a plaintiff or defendant, respecting said lands as an individual purchaser at the tax collector's sale would have in similar circumstances; and all such liens and charges as the State had before such sale by the State auditor shall be enforced in favor of such purchaser from him as under the provisions of law relating to individual purchasers at sales by the tax collector, such purchaser on failure of his title shall have his lien and charges assessed by the court or by a jury and may foreclose the same by proceeding at law in such suit.

Sec. 255. Upon the consummation of such sale the State auditor must certify the same to the judge of probate, who shall make entry thereof in the book of land sales in his office; and the auditor shall furnish description of such lands to the assessor of the county in which they are situate, who shall enter the same upon his list for assesment; but the time allowed infants and lunatics, in which to redeem lands sold for taxes, shall in no wise be affected by any such sale and conveyance.

Sec. 256. When lands bid in by the State have been sold by the State under any of the provisions of this act the State auditor shall draw his warrant on the State treasurer in favor of the judge of probate of the county in which the lands lie, for the county and school taxes, and the fees and costs due to the different officers of the county, specifying each separately; and if the same cannot be ascertained from the records and papers in his office, the judge of probate, on notice by the State auditor of such redemption, or sale, must certify the same to him, and the judge of probate, upon the collection of such warrant, shall pay the same over to the officers entitled thereto, or authorized by law to receive the same.

Sec. 257. The right to redeem any real estate bid in for the State shall be forfeited, unless such real estate is redeemed within the time prescribed in this act, and if not redeemed within that time, all the right, title and interest of the owner of such real estate, and of the person whose duty it was to pay the taxes thereon, in and to such real estate, shall be transferred to and absolutely vested in the State.

Sec. 258. Any mortgagee, lien holder or other creditor, or any person having an interest, but not the legal title, shall have a lien on the lands for the amount expended by him in effecting such redemption, and if such redemption is by a tenant in common, he shall have a like lien on the interest of his cotenant.

GENERAL DUTIES OF AUDITOR.

Sec. 259. It shall be the duty of the auditor to see that the returns, reports, payments and settlements required by law to be made by any and all officers charged with the collection of revenues of the State under this act are promptly made by such officers at the time or times they are required to be made; and in default of the performance by any of them of any of such duties, he shall promptly direct such prosecutions or other legal proceedings as may be by law authorized or directed.

Sec. 260. The auditor shall cause this act to be properly indexed, and shall have not exceeding two thousand copies of the same printed in pamphlet form, and after retaining the number of copies which may be necessary for the use of the officers of the State at the Capitol, shall furnish a copy thereof to each of the judges of the circuit and city courts, and the chancellors and judges of the Supreme Court, judges of probate, solicitors, members of the Legislature, members of the State and county boards of equalization, members of the courts of county commissioners, or boards of revenue, and assessors and collectors, and to bar libraries and justices of the peace, and shall cause the remainder to be deposited with the secretary of State, who shall be authorized to sell the same at fifty cents per copy.

Sec. 261. It shall be the duty of the State auditor to cause suit to be brought, in the name of the State against any and all persons by law charged with the collection of State taxes, or with any duty in regard to the State revenue, and their sureties for failure to collect such taxes, or to perform such duty; and he may also in such cases, as in his judgment, the interest of the State requires it, cause suit to be brought against defaulting tax payers for the taxes claimed from them by the State; and in cases in which a reasonable doubt may exist as to the construction or validity of the law under which taxes are claimed, he may authorize an agreed statement of the facts of the case to be made for the speedy adjudication of the matter in controversy.

Sec. 262. The State auditor shall appoint, with the approval of the Governor, an agent in each county in the State to look after, protect against trespassers, and rent any real estate bid in by the State at tax sale; said agent shall be under the control and direction of the State auditor, who shall have the power to remove for any cause, any agent so appointed.

Sec. 263. The State auditor by the approval of the Governor may contract with some person or firm in each county of

the State, to investigate sales of real estate for taxes and bid in for the State, to notify parties at interest in such real estate, of such sale, to secure redemption or sale of property subject to sale at private sale by the State.

Sec. 264. For services rendered, under the two preceding sections the auditor may allow fair compensation, which shall not exceed ten per cent of the proceeds of such rent, sale or redemption, and shall be paid from the fund so received.

Sec. 265. When the State auditor finds that he has failed to give any tax collector credit for commissions to which he is entitled, he is authorized to correct such error in his settlement with such collector; and if the account of such collector has been closed, and such commissions have been paid into the State treasury, the State auditor shall draw his warrant on the State treasurer for the amount thereof in favor of such collector.

Sec. 266. The State auditor must draw his warrant on the State treasurer in favor of any judge of probate, tax collector, county treasurer, clerk of the circuit court, or other officer paying money into the State treasury, for any amount overpaid into the treasury by such judge of probate, tax collector, county treasurer, clerk of the circuit court or other officer.

GENERAL PROVISIONS.

Sec. 267. In any suit against any tax assessor, tax collector, judge of probate, or other officer charged with the performance of any duties under this act, and his sureties or either, for failure to pay over any money collected by him for the State or to perform any other duty required of him by law, a copy of any bond, record, book, paper, contract return, or other document, or of the official statement of any account between him and the State in the office of the State auditor or State treasurer, certified by the State auditor, if the original is in his office, or by the State treasurer, if in his office, under the seal of the State auditor, shall be received as evidence in any case in which the original would be competent, unless the defendant shall deny under oath that he made or executed such original.

Sec. 268. Upon a verdict being rendered in favor of the State in any suit brought by the State against any officer charged with the collection of any revenue for the State, and his sureties, or either, for the recovery of any such revenue collected by him, a judgment must be rendered for the amount of such verdict, and twenty per cent. thereon.

Sec. 269. It shall be the duty of the courts of county commissioners of the several counties in this State to supply the tax assessors and tax collectors, and county boards of equalization, with all necessary books, stationery, and printed blanks for the proper conduct of their several offices, and failing so to do, the assessors, collectors and county boards of equalization may purchase books, stationery and printed blanks in behalf of the county, and the cost thereof shall be a preferred claim against the county.

Sec. 270. Any person, who having taken oath required by law to be administered to him by the tax assessor or his deputy before proceeding to list property for taxation, willfully and corruptly answers falsely any lawful question which such assessor or his deputy may put to him touching the return of property for taxation, or willfully and corruptly makes a false return of property required by law to be by him returned for taxation, is guilty of perjury, and must, on conviction, be imprisoned in the penitentiary for not less than two nor more than five years.

Sec. 271. Any tax assessor or deputy tax assessor who returns the tax list of any tax payer as having been sworn to by such tax payer, when in fact it was not sworn to, is guilty of a misdemeanor. This section must be given in a special charge to the grand jury, and it is their duty, whenever the evidence justified it, to return an indictment against such tax assessor or deputy assessor.

Sec. 272. Any president or cashier of any bank or banking association who fails or refuses to make out, swear to and deliver to the tax assessor the statement required by law, within the time therein prescribed, must, on conviction, be fined not less than two hundred dollars, and must also be sentenced to hard labor for the county for not more than three months.

Sec. 273. It shall be unlawful for any member of the State or county boards of equalization or employee of either of said boards, or the tax assessor, to act as agent or attorney for any tax payer in the matter of the assessment of property for taxation, and any member or officer of either of said boards, or the assessor who violates the provisions of this section shall be removed from office by the Governor.

Sec. 274. No arbitrator shall be selected under the provisions of this act who is related within the fourth degree of consanguinity or affinity to the owner or owners of the property, or to any member of the board of equalization which has valued the property in question, or to the tax assessor of the county,

and if the owner of property is a corporation, to the executive officers thereof, nor shall such arbitrator be an official, agent, employee, attorney or stockholder of such corporation.

Sec. 275. Any revenue officer of the State who refuses to allow the State board of equalization, or the agents or deputies thereof, full and free access to all books and records belonging to or pertaining to his office, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars.

Sec. 276. Any officer on whom any duty is imposed by the revenue law, who fails or neglects to perform such duty, if there is no other punishment provided for such failure or neglect, must on conviction, be fined not less than twenty nor more than one thousand dollars.

Sec. 277. Any probate judge, clerk of a court of record, register in chancery, sheriff, coroner, tax collector, county treasurer, trustee of public schools, notary public, justice of the peace, constable or other public officer, who knowingly converts, to his own use, or permits another to use any of the revenues of the State, or of any county or municipality thereof, or any money paid into his office, or received by him in his official capacity, is liable to indictment, and on conviction, must be punished as if he had stolen it.

Sec. 278. When any sheriff or other officer shall sell any property under execution or other process, or under any decree, judgment, or order of any court, it shall be his duty to ascertain what taxes are a lien upon such property, and upon a sale thereof, to first apply the proceeds of such sale to the payment of such taxes.

Sec. 279. When a tax payer makes a general assignment of his property for the payment of his debts, or is declared a bankrupt, or when dead, and his estate is or becomes insolvent, any unpaid taxes assessed against him, or against his estate shall be a preferred claim, and shall be paid by the assignee, trustee, or personal representative out of the first money, received by him belonging to the trust or estate.

Sec. 280. When taxes are levied on the gross or net receipts of any person, company, corporation, or association doing business in this State by any agent, such agent shall be personally liable for such taxes, and the tax collector may collect the same from such agent by garnishment or by the seizure and sale of any personal property belonging to him, as if such taxes were assessed against him.

Sec. 281. Any tax collector who fails to make return and forward the tax money in his hands, from time to time, to the proper authorities, as provided by law, except for good cause, is guilty of embezzlement of public funds, and is liable, on conviction, to a fine not exceeding ten thousand dollars, and imprisonment in the penitentiary not exceeding two years.

Sec. 282. The failure of any tax collector to pay over or produce any money collected by him, either as State, county or municipal taxes, after demand by the State or county or municipal treasurer, or other authority for receiving money belonging to the State, county or municipality, shall be prima facie evidence against such tax collector of embezzlement by him.

Sec. 283. Any tax collector or other person engaged in collecting the revenues of the State, who buys, sells or otherwise trades in State warrants, State certificates, or other securities of the State, shall be guilty of a misdemeanor.

Sec. 284. Any person who fraudulently obtains from the State auditor under the provisions of this act any duplicate warrants upon the treasury of the State, or who shall with intent to defraud obtain any warrant to which he is not entitled, must, on conviction, be punished as if he had stolen the amount specified in the warrant.

Sec. 285. The holder of any lien on real or personal property may pay the tax thereon with interest and penalties, and upon such payment shall be subrogated to the lien of the State, county or municipality and the sum so paid shall bear legal interest from the date of payment, and may be collected in the same manner, as the original claim of the lien holder.

286. In all counties where county officials are paid on a salary instead of a fee basis, all fees allowed under the terms of this act to be paid to or collected by county officials, shall, by said officials be paid into the county treasury, or to such official performing the duties of county treasurer.

Sec. 287. All laws in conflict with the provisions of this act are hereby repealed; provided, that all provisions of existing laws relating to taxation and revenues, which are not in conflict with the provisions of this act are not hereby repealed.

Sec. 288. This act shall go into effect immediately upon its passage.

Sec. 289. If any section, clause, or provision of this act shall be held to be void, or ineffective for any cause, it shall not affect any other section, clause or provision of this act.

Sec. 290. All proceedings for the assessment or collection of any taxes now pending before any board or officer whose authority, power or jurisdiction is terminated by this act, shall be and is immediately transferred from such officer, court or board, to the officer, court or board having authority and jurisdiction under this act, and shall be prosecuted and proceeded with as if originally commenced by or before such board or officer.

Sec. 291. That all officers provided for in this act may be impeached in the same manner, and for the same cause provided for in the Constitution of the State of Alabama, or as provided for in chapter 232 of the Code of Alabama, and may be tried as therein provided for other officers.

Sec. 292. Wherever and whenever any tax payer is given under the preceding sections hereof the right to demand an arbitration of the assessment of his or its property, the owner may either demand said arbitration or may appeal to the circuit court of the county in which the property lies, and in case the property lies in more than one county, the owner may appeal to the circuit court of any county in which any of the property lies. All such appeals may be taken within thirty days after the date of the assessment or after the date of the final decision of the officer, board or tribunal making such assessment, upon the owner giving bond with sureties to be approved by the judge or clerk of the court to which the appeal is taken and payable to the State of Alabama in double the amount of the State and county taxes and local or special school taxes lawfully due on such assessment or valuation as fixed by said officer, board or tribunal, conditioned to prosecute said appeal to effect and to pay all lawful taxes held by the court to be or to become due on said property according to such valuation as may be determined by the court, provided, however, that in the event the assessment or valuation is upon real property then no bond shall be required as a condition precedent to the taking of such appeal. The trial upon such appeal shall be de novo and by and with the jury unless jury is waived by owner and the court shall render judgment against the appellant for such taxes as may be or become lawfully due on said property. All such appeals shall be preferred cases and shall be set for trial at the first succeeding term of the court after the appeal is taken, unless the court shall be in session at the time the appeal is taken, in which event the case shall be set for trial during the term then in session; provided, however, that no such appeal

shall suspend the right of the State and counties to collect from the appellant taxes upon his property at the valuation fixed for assessment for the preceding tax year, and the appellant shall when taxes are due pay all taxes due at the assessed valuation for such preceding year. If the judgment of the court shall be rendered after the appellant shall have paid taxes based upon the assessed valuation for such preceding year, the court shall ascertain and determine the amount of taxes so paid, and render judgment only for the difference, if any, due upon the assessed valuation for such preceding year and the valuation as fixed by the court. From the judgment of the trial court, either party may appeal to the Supreme Court within thirty days from the rendition of the judgment. Provided, that if the jury or court trying the case shall find that the value of the property is less than the assessed value on which such tax payer has paid taxes for the year in question, such fact shall be certified by the clerk of the court to the commissioners court and the tax payer shall be entitled to be paid back the amount in excess of his taxes actually due by the tax collector, and the tax collector shall have credit therefor as an error in assessment on his settlement with the State and county authorities.

Approved September 14, 1915.

No. 465.)

(H. 682—Vaughan.

To fix the compensation of members of the boards of revenue in this State in counties which now have, or which may hereafter have a population of eighty-two thousand people and not exceeding two hundred thousand people, according to the last Federal census, or any such census which may hereafter be taken, and to provide for the payment of such compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the compensation of members of all boards of revenue in this State, in counties which now have, or which may hereafter have a population of eighty-two thousand people, and not exceeding two hundred thousand people, according to the last Federal census, or any such census which may hereafter be taken, be and the same is hereby fixed at one thousand dollars per annum, for each member of such board, payable in monthly installments.

Sec. 2. That said compensation shall be paid out of the general fund of the respective counties on warrants issued by the said boards on the treasury.

Sec. 2½. That the compensation provided for in section 1 of this act shall be the only compensation that the members of the board of revenue shall receive.

Sec. 3. That this act shall take effect immediately upon its passage and approval. That all laws and parts of laws, both general and local, in conflict or inconsistent with the provisions of this act, be, and the same are hereby repealed.

Approved September 14, 1915.

No. 467.)

(H. 662—Welch.

AN ACT

To amend section 7082 of the Code of Alabama of 1907.

Section 1. *Be it enacted by the Legislature of Alabama,* That section 7082 of the Code of Alabama of 1907, be and the same is hereby amended so as to read as follows: Any person, firm, or corporation that shall manufacture, or knowingly sell or give away, or keep for sale any soda water or other soft drink or beverage colored with any coal tar preparation, (except those colors which are certified to and whose use has been authorized and endorsed by the board of pure food and drug inspection of the department of agriculture of the United States), or other mineral substance, or sweetened with any other than pure fruit syrups or pure cane or beet sugar, shall be guilty of a misdemeanor, and upon conviction thereof, may be punished by a fine of not less than ten nor more than two hundred dollars.

Approved September 14, 1915.

No. 469.)

(H. 851—Weakley.

AN ACT

To prescribe and fix the license or privilege tax to be paid by every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession in this State, or who shall in this State exercise any privileges, for which a license or privilege tax is or may be charged; to provide for and regulate the collection of such license or privilege tax; to fix the compensation to be paid for the collection of such license or privilege tax; to provide for the distribution, application and safe-keeping of the funds arising from the collection of such license or privilege tax; to fix a penalty for doing business without a license, and to provide for the enforcement thereof, and to further provide for the general revenues.

Be it enacted by the Legislature of Alabama:

Section 1. That every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession hereinafter enumerated, or who shall exercise any privilege hereinafter described for which a license or privilege tax is required, shall first procure a license, and shall pay for the same, or shall pay for the exercise of such privilege, the amounts hereinafter provided.

1. Abstract companies and persons engaged in the business of furnishing abstracts of titles, in towns or cities of twenty thousand inhabitants, or more, fifty dollars; in towns or cities from ten to twenty thousand inhabitants, twenty-five dollars; in towns or cities from five to ten thousand inhabitants, ten dollars; in towns or cities of less than five thousand inhabitants, and in all other places, five dollars.

2. Auctioneers in any town or city of twenty thousand inhabitants or more, fifty dollars; in towns or cities of eight thousand inhabitants and less than twenty thousand, thirty dollars; cities of five thousand inhabitants and less than eight thousand, twenty dollars; in cities or towns of more than one thousand and less than five thousand, five dollars. The term "auctioneer" within the meaning of the foregoing provision shall be deemed to apply to any person selling goods, wares, merchandise or live-stock or other things of value at public outcry, except as herein otherwise provided, whether a charge is made for the same or not. In the following cases sales at public outcry may be made for compensation without license:

(a) Sales for the estate of a decedent by the personal representative, or his agent according to law or by the provisions of the will.

(b) Sales of property conveyed by deed of trust, mortgage, or decree, or ordered to be sold according to the mortgage decree or order.

(c) Sales of agricultural products arising from the labor of the seller or other labor under his control on or belonging to his real or personal estate, and not purchased or sold on speculation.

(d) All sales under legal process.

(e) Each transient or itinerant auctioneer, or trader or dealer in goods, wares, or merchandise, other than licensed peddlers, and other than traveling agents or wholesale dealers in articles making sale thereof by sample, fifty dollars; and this tax shall apply to all dealers who are migratory and do not pay an advalorem tax.

3. Each professional actuary, public accountant, architect, and each adjuster of fire losses, five dollars to the State, but no license shall be paid to the county. If such business is conducted as a firm, or as a corporation, in which more than one person above named is engaged, each person so engaged shall pay a license of five dollars, provided that no such license shall be charged until the party applying therefor shall have practiced his profession for two years in this State, or elsewhere.

4. Each person engaged in the business of selling adding machines, cash registers, typewriters, talking machines, dictaphones, phonographs, victrolas, grafanolas or similar machines, in counties having a population of sixty thousand, or less, twenty-five dollars; in counties having a population of more than sixty thousand, fifty dollars.

5. Owners and operators of permanent amusement parks which shall be open for the public for not more than five months of each year may be exempted from the payment of the license or privilege taxes on amusements or entertainments licensed by this act, provided they take out and pay for a license to operate a permanent amusement park at the following rates, to-wit: In cities of twenty-five thousand, or more, or within five miles thereof, two hundred dollars; in cities of fifteen thousand and not more than twenty-five thousand inhabitants, or within five miles thereof, one hundred dollars; in cities of five thousand and not more than fifteen thousand inhabitants or within five miles thereof, fifty dollars; in cities and towns of less than five thousand inhabitants, or within five miles thereof, twenty-five dollars.

6. The following license tax or registration fee shall be charged on automobiles and motor cars kept for private use. For each automobile having a rating of less than twenty-five horse power, seven dollars and fifty cents; on each automobile having a rating of twenty-five horse power and less than thirty horse-power, twelve dollars and fifty cents; on each automobile having a rating of thirty horse-power and less than forty horse-power, seventeen dollars and fifty cents; on each automobile having a rating of forty horse-power or more, twenty dollars. And such license tax shall be based on the insurable horse-power of the car. For each electric automobile, twelve dollars and fifty cents; on each automobile propelled by steam, fifteen dollars.

7. For each automobile or motor car with less than forty horse-power used for commercial or business purposes, a license tax or registration fee shall be charged at the same rates as

above set out, except as hereinafter prescribed ; for each automobile or motor car having a rating of forty horse-power or more, used for commercial or business purposes, twenty-five dollars.

8. For each automobile or motor car used for transportation of passengers paying fare, and having a seating capacity of five persons or less, twenty-five dollars ; for each automobile or motor car used for the transportation of passengers paying fare, and having a seating capacity of more than five and less than ten persons, forty dollars ; for each automobile or motor car used in the transportation of passengers paying fare, and having a seating capacity of ten persons or more, sixty dollars ; provided that automobiles or motor cars running between towns or cities ten miles or more apart shall pay a license tax of forty dollars in lieu of sixty dollars provided in this section. Each person desiring to take out a license to operate a motor vehicle for the transportation of passengers for hire, except taxicabs, and touring cars hired by the hour or for specified trips on terms agreed upon between the passenger and carrier at the time of entering upon such service, shall at the time he applies for such license make out in writing a statement describing the route over which such motor vehicle shall be operated, and naming the terminal points thereof, and such route shall be plainly indicated on the motor vehicle in letters of sufficient size to be read at a distance of fifty feet.

9. For each motorcycle, three dollars ; for each motorcycle with side car attachment, five dollars. The said several sums of money charged as a license tax in this paragraph shall be paid to the judge of probate of the respective counties, and the payment of such registration fee or license tax shall be evidenced by the delivery to the party paying the same of a numbered license or tag, which shall be placed in a conspicuous place on the rear of the automobile or motor car. The State board of equalization shall provide tags for all motor cars, and receipts in three parts, one shall be stub to be retained by the judge of probate, the second shall be delivered with the tag to the person paying the license fee, and the third, or outward coupon, shall be mailed by the judge of probate to the board of equalization on the day the license was issued. All parts shall be numbered the same as the tag and the different prices of the license shall be printed in perpendicular lines between the stub and receipt and between the receipt and the third coupon or part so that when these parts are separated every piece will show the amount of the license received by the judge of probate. The stub, license and coupon shall be substantially in form as the

blanks used for post office money orders, and pay for the same out of the appropriation made to said board by the Legislature, and deliver the same on the requisition of the various judges of probate of the State under such rules and regulations as may be prescribed by the State board of equalization. There shall be provided tags for vehicles used for commercial purposes of different shape and design from that used for pleasure cars. The money collected for such license taxes shall be divided as follows: Forty percentum of the gross revenue derived from any incorporated city or town shall be paid by the judge of probate to the treasurer of the city or town in which the owner or licensee resides, and forty percentum of the gross revenue derived from any county outside of any incorporated city or town shall likewise be paid by the judge of probate to the treasurer of said county; the remainder shall be paid by the judge of probate to the State treasurer. The judge of probate shall be entitled to two and one-half per cent. commission on all money collected under the provisions of this paragraph, which he may retain out of the money so collected. The judge of probate shall make settlement for the licenses collected by him not later than the fifth and twentieth day of each month. The registration fee or license tax herein required to be paid on automobiles or motor cars or motorcycles shall be in lieu of all other privilege or license tax, which the State or any county or municipality thereof might impose, where the automobile or motor car or motorcycle is used by the owner for his private use and that of his family; provided, however, that incorporated cities or towns are hereby authorized to collect a reasonable license or privilege tax on motor vehicles used for carrying passengers or freight for hire. Nothing in this act shall be construed to prevent the collection of an advalorem tax on automobiles, motor cars or other vehicles. Provided, however, that nothing herein contained shall be construed so as to impose a license tax on automobiles, motor cars, engines or trucks, or motorcycles owned and used by any municipal corporation in this State, but all such vehicles shall bear a numbered tag, which the judge of probate is authorized to deliver without the payment of any fee or charge, except the sum of fifty cents to cover the cost of each tag delivered by him to such municipal corporation, and the proceeds of such payments shall be paid to the State treasurer, without any deduction for commissions by the judge of probate. The license provided for by this paragraph shall not be delinquent until November first of each year. When a person buys an automobile, motorcycle, or motor vehicle, after October first

the license shall not be delinquent for two weeks after such purchase. One-half of the license herein provided shall be paid where the license is taken out after April first.

9a. There is hereby appropriated annually out of any money in the treasury not otherwise appropriated the sum of ten thousand dollars, or so much thereof as may be necessary to pay for the purchase and delivery of the automobile tags required by this act. All bills for the purchase and delivery of said tags shall be approved by the chairman or two members of the board of equalization, and the auditor may draw warrants against this appropriation in such sums, and from time to time as may be required.

10. Upon each and every agent of and dealer in, and upon every person soliciting orders for the sale or purchase of automobiles, motor cars, or other self propelling vehicles, except motorcycles, and except any person regularly employed by a said agent of and dealer in, which said agent of and dealer in, has paid the privilege tax or license herein provided for, the following privilege tax or license shall be collected, to-wit: In each county having a population of less than twenty thousand people, twenty-five dollars; in each county having a population of more than twenty thousand people and less than forty thousand inhabitants, fifty dollars; in each county having a population of forty thousand, and less than sixty thousand inhabitants, seventy-five dollars; in each county having a population of sixty thousand and less than one hundred thousand inhabitants, one hundred dollars; in each county having a population of one hundred thousand inhabitants, or more, one hundred and twenty-five dollars.

11. For each automobile garage for the storage and repair of automobiles, one-half of the rates specified in the preceding section; for each person, firm, corporation or association who receives or solicits orders for or who deals in automobile supplies or accessories, one-half of the rates specified in the preceding section.

12. Each owner, or lessee of a baseball park, where admission fees are charged, in cities or towns of less than ten thousand inhabitants, or within five miles thereof, ten dollars; in cities or towns of more than ten thousand, and less than twenty-five thousand inhabitants, or within five miles thereof, twenty-five dollars; in cities or towns of more than twenty-five thousand and less than fifty thousand inhabitants, or within five miles thereof, fifty dollars; in cities or towns of more than fifty thousand inhabitants, or within five miles of any such city or

town, one hundred dollars; provided, that when baseball is allowed by law to be played in any city or town on Sunday, the license therefor in such city or town shall be double the amount hereinbefore named; provided, that this section shall not apply to baseball parks owned or maintained in good faith by educational institutions located in this State.

13. For engaging in the business of dealing in, renting or hiring bicycles and motorcycles, either or both, in cities of over twenty thousand inhabitants, fifteen dollars; in cities between ten and twenty thousand inhabitants, ten dollars; in cities and towns of less than ten thousand inhabitants, five dollars.

14. For each billiard table for the use of which money or other compensation is charged, twenty-five dollars.

15. Each owner or proprietor of any bill board, bill board space, wall space or other space let for the purpose of advertising, and all advertising companies displaying advertisements in public places, and each person engaged in the business of bill posting, in cities or towns of twenty thousand, or more, twenty-five dollars; in cities and towns of from ten to twenty thousand inhabitants, fifteen dollars; in cities and towns of less than ten thousand inhabitants, five dollars.

16. Each person engaged in the business of making bonds, and charging for the same, except guarantee or surety companies or corporations otherwise specifically licensed, one hundred dollars per annum.

17. Each person other than a merchant paying an ad valorem tax on his stock of goods, who shall receive subscriptions for or shall sell or in any manner furnish books, maps, prints, pamphlets, or periodicals, shall pay a privilege tax of ten dollars in each county in this State in which he shall do business; but this shall not apply to persons distributing or selling by subscription any religious books, pamphlets or periodicals.

18. For the business of bottling non-alcoholic, or other carbonated drinks, as follows:

(a) For every foot power crowning machine operated at any time during a license year, fifty dollars per annum, and one hundred dollars per annum for every additional machine.

(b) For every automatic crowning machine of smallest type having a capacity of two foot power machine, operated any time during a license year, one hundred and seventy-five dollars per annum.

(c) For every automatic crowning machine of the intermediate type, having the capacity of four foot power machine,

and operated at any time during a license year, three hundred and seventy-five dollars per annum.

(d) For every automatic crowning machine of the largest type, having a capacity of six foot power machine operated at any time during a license year, five hundred and seventy-five dollars per annum.

(e) For every automatic crowning machine of any other size or type operated at any time during a license year, fifty dollars per annum for the first foot power capacity, and an additional one hundred dollars for each additional foot power capacity.

19. Each building and loan association organized under the laws of this State, or any other State or county, doing business in this State, shall pay in advance on the first day of each year, to the State treasurer, a privilege tax of sixty cents on each one thousand dollars of its capital stock issued. And every such association, foreign or domestic, shall also be assessed for taxation and shall pay taxes upon its real and personal property in this State. No municipal corporation shall charge or collect a license or privilege tax on building and loan associations in excess of seventy-five per cent. of the State license.

20. For bowling alleys or ten pin alleys for the use of which money or other compensation is charged, twenty-five dollars for each alley.

21. For each commission merchant or merchandise broker other than produce dealers for commision, in towns and cities of less than twenty-five hundred inhabitants, five dollars; in towns and cities of twenty-five hundred and less than five thousand inhabitants, ten dollars; in cities of five thousand and less than ten thousand inhabitants, fifteen dollars; in cities of ten thousand and less than twenty-five thousand inhabitants, twenty-five dollars; in cities of twenty-five thousand inhabitants, or more, fifty dollars.

22. For each dealer in playing cards, ten dollars.

23. For every person selling at retail in any quantities less than a quart, drinks known as ciders, or any similar drink, where the same is permitted to be drunk by the glass, or single drink, in, on or about the premises where sold, fifty dollars. Any person who sells such ciders, or similar drinks, in quantities greater than quart, shall pay an annual license of one hundred dollars.

24. Every dealer who may sell or give away cigarettes, cigarette paper or cigarette tobacco, or who furnishes their customers with cigarettes, cigarette paper or cigarette tobacco,

in connection with any other purchase or transaction, or who may keep in their places of business any of said articles, whether sold or given away in connection with other purchases, in any place outside of incorporated towns or villages, five dollars; in incorporated towns and cities of five thousand or less inhabitants, ten dollars; in cities of more than five thousand and not exceeding ten thousand inhabitants, twenty dollars; in cities of more than ten thousand and not exceeding twenty thousand inhabitants, twenty-five dollars; in all cities having more than twenty thousand inhabitants, thirty-five dollars.

25. Each person operating a circus shall pay for each day's exhibition, where the seating capacity of such circus is one thousand, or less, twenty-five dollars; where the seating capacity is more than one thousand and less than two thousand, fifty dollars; where the seating capacity is more than two thousand, and less than four thousand, one hundred dollars; where the seating capacity is more than four thousand, two hundred dollars, and the license hereinabove provided for shall include the license for a menagerie accompanying the circus. For each day's exhibition of each side show accompanying such circus, and for each merry-go-round or flying jenny accompanying such circus, ten dollars per day, and all such license or licenses, when paid, shall be kept or deposited with the door keeper, gate keeper or ticket receiver, whose duty it shall be to exhibit the same on demand to the sheriff of the county or his deputy, and it shall be the duty of the sheriff in person, or by his deputy, to call on such door keeper, gate keeper, or ticket receiver, and inspect the license or licenses taken out for such circus, show, exhibition or merry-go-round before the performance begins, and if the proper license or licenses have not been taken out and paid for as hereinabove provided, to prohibit such circus exhibition or performance until the proper license is taken out in accordance with the provisions of this act, and it shall be the duty of the sheriff to arrest the owner, proprietor, or manager or other party or parties in charge of such circus, exhibition, or menagerie, who shall give such exhibition without the payment of the license herein required, and take him before the proper court for the trial of such offense, and any sheriff failing to perform the duties herein required of him, is guilty of a misdemeanor.

26. Whenever any circus gives a street parade over any of the streets, roads or thoroughfares in this State, the following license shall be paid: In towns or cities of more than one hundred thousand inhabitants, fifty dollars; in towns and cities

of less than one hundred thousand and more than fifty thousand, thirty-five dollars; in towns and cities of less than fifty thousand inhabitants and more than twenty-five thousand inhabitants, twenty-five dollars; in all other places, fifteen dollars. And it shall be the duty of the sheriff to see that the proper license has been issued before such parade shall start. This license is in addition to the license provided in the preceding section.

27. Every horse, dog and pony show where an admission is charged shall be considered a circus, and shall pay the license provided in the two preceding sections, and every exhibition of athletic or acrobatic feats or of horsemanship in every building, space, tent, or area shall be regarded as a circus, provided that this section shall not apply to such exhibition in a theatre paying a theatrical license, nor shall it apply to athletic games, exhibitions or contests by students of any school or college.

28. Each person dealing in coal or coke in towns or cities of five thousand inhabitants, or less, five dollars; in cities of five thousand and not more than twenty thousand inhabitants, ten dollars; in cities of twenty thousand or more inhabitants, twenty-five dollars; but this shall not apply to persons who sell in quantities of less than one ton, or to persons who mine their own coal and sell the same in wagon load lots only.

29. Each person engaged in the cold storage business shall pay an annual license according to the following schedule: For a refrigerating capacity of fifty thousand and not more than one hundred thousand cubic feet, twenty-five dollars; for a refrigerating capacity of one hundred thousand and not more than two hundred thousand cubic feet, fifty dollars; for a refrigerating capacity of two hundred thousand cubic feet, or more, one hundred dollars; each person, firm or corporation operating a refrigerating pipe line for the purpose of refrigerating the rooms, premises, goods, wares or merchandise of others for profit, seventy-five dollars.

30. Each collecting agency in towns and cities of twenty thousand and more inhabitants, one hundred dollars; in towns and cities of less than twenty thousand inhabitants, twenty-five dollars. Each person, firm, association of persons, or corporation which shall employ agents to solicit claims for collection, or shall send out circulars or other notices soliciting claims for collection, or shall send out circulars or other notices soliciting claims for collection from persons, firms, or corporations in the State, shall be deemed a collecting agency within the meaning of this section.

31. Each person, firm or corporation, or association whose principal business is inquiring into and reporting upon the credit and standing of persons in this State, shall pay to the State a license of three hundred dollars, and shall also pay a license of fifty dollars to each county in which such person, firm, corporation or association maintains an office or established place of business, except that persons, firms, associations or corporations inquiring into and reporting to retail dealers upon the credit and standing of individuals shall not be required to pay this license.

32. For each concert, musical entertainment, public lecture, or other public entertainment, where charges are made for admission, or for the use of any instrument or device, or the participation in any exercises or entertainment, not given wholly for charitable, school or religious purposes, and not otherwise provided for, ten dollars; but the provisions of this subdivision shall not apply to exhibitions or entertainments given in theatres when the owners or managers thereof have taken out license as owner or manager and provided further that this license shall not be charged for any lecture or lecture course given as part of the course of instruction in any educational institution provided further that the provisions of this section shall not apply to chautauquas, lecture lyceums, or exhibits held under the auspices of religious or charitable associations. In all cases where such exhibitions shall be in the nature of a continuous show or performance, the license shall be five dollars per day, fifteen dollars per week, or thirty dollars per month.

33. For each person, firm or corporation engaged in the business of constructing bridges, dams, waterworks, roads, railroads or other structures or works of a like public nature, commonly known as a contractor, or sub-contractor, twenty-five dollars for each county where doing business.

34. Each person, firm or corporation whose principal business is buying cotton, twenty-five dollars, which shall entitle him to buy cotton in any county in this State.

35. For each person owning or operating any compress for the purpose of compressing cotton, for each compress compressing not more than fifty thousand bales, fifty dollars; for each compress compressing more than fifty thousand bales in any one year, one hundred dollars.

36. For every person operating any cotton seed oil mill, cotton mill or cotton factory, ten dollars, where the investment for plant and fixtures is less than twenty thousand dollars; on

every plant where the investment is twenty thousand, and less than fifty thousand dollars, thirty dollars; on every plant where the investment is fifty thousand dollars, and under one hundred thousand dollars, fifty dollars; on every plant where the investment is one hundred thousand dollars, and under five hundred thousand dollars, one hundred dollars; on every plant where the investment is five hundred thousand dollars, and under one million dollars, one hundred and fifty dollars; on every plant where the investment is one million dollars, or over, two hundred dollars.

37. Each dealer in coffins in unincorporated places or towns of one thousand inhabitants, or less, five dollars; in towns and cities of over one thousand inhabitants, and not exceeding ten thousand inhabitants, ten dollars; in cities of over ten thousand and not exceeding twenty thousand inhabitants, fifteen dollars; in cities of over twenty thousand inhabitants, twenty-five dollars. If the dealer is an embalmer, he shall pay an additional license of ten dollars.

38. Each person engaged in the business of operating a detective agency, or each company or corporation doing business as such in this State, fifty dollars.

39. For each device used by persons as a source of profit to themselves, such as throwing at wooden figures, or any object of like character, striking at an object to test the strength, blowing to test the lungs, or other devices of like character, or for operating a cane rack, or knife rack, or similar rack or table, twenty-five dollars, to be paid in each county in which it is operated, but this subdivision shall not be so construed as to legalize the operation of any device which is now prohibited by law.

40. Each person practicing the profession of dentistry shall pay an annual license of five dollars to the State, but no license shall be paid to the county. If such business is conducted as a firm, or as a corporation, in which more than one dentist is engaged, each dentist so engaged shall pay a license of five dollars, provided further that no dentist shall be required to pay a license until after he has practiced his profession for two years.

41. Each person compiling, selling or offering for sale, directories in cities or towns of fifty thousand inhabitants, or over, fifty dollars; in cities or towns of twenty thousand, and less than fifty thousand inhabitants, twenty-five dollars; in cities or towns of ten thousand or less than twenty thousand inhabitants, ten dollars.

42. Each person engaged in the practice of medicine shall pay an annual license of five dollars to the State, but no license shall be paid to the county. If such business is conducted as a firm, or as a corporation, in which more than one person is engaged, each person so engaged shall pay a license of five dollars; provided further that no license shall be required until such person has practiced his profession for two years.

43. Each emigrant, agent or person engaged in hiring laborers, or soliciting emigrants in this State, to be employed or to go beyond the limits of the State, must pay an annual license of five hundred dollars in every county in which he operates or solicits emigrants.

44. Each person practicing the profession of civil, electrical, mining or mechanical engineering, shall pay an annual license of five dollars to the State, but no license shall be paid to the county. If such business is conducted as a firm or corporation in which more than one engineer is engaged, each engineer so engaged shall pay a license of five dollars, provided that no such engineer shall be required to pay this license until after he has practiced his profession for two years in this State or elsewhere.

45. For each entertainment in towns or cities of over one thousand inhabitants, where dancing is had or permitted to be had, and where an admission fee is charged, five dollars for each entertainment; but this shall not apply to an entertainment given in a regularly licensed theatre.

46. For each person soliciting or engaged in cleaning and renovating feathers, in each county, one hundred dollars.

47. There is hereby levied and shall be collected from every express company doing an express business between points wholly within this State, and without reference to its interstate business, whether incorporated under the laws of this State, or whether incorporated at all, a license or privilege tax of four thousand dollars, which shall be paid to the treasurer of said State by said company on or before the expiration of the fifteenth day of each fiscal year. Provided that any express company which operates on less than fifty miles of railroad shall pay an annual tax of two hundred and fifty dollars, and provided, that any express company which operates on more than fifty miles and on less than two hundred miles of railroad, shall pay an annual license of five hundred dollars, and provided further, that all express companies that operate over two hundred and not over five hundred miles, shall pay an annual tax of two thousand five hundred dollars.

(a) In addition to said amount paid to the State as aforesaid for State purposes, there may be levied and collected by the several towns and cities of the State from said express company or companies for the privilege of doing business within the municipal limits, a privilege tax or license tax to be computed and based on the population of said cities, as fixed by the last Federal census, as follows, to-wit:

(b) In municipalities having a population of five hundred people, or less than this number, two dollars and fifty cents per annum.

(c) In municipalities having a population of five hundred and over, and not exceeding one thousand, fifteen dollars per annum.

(d) In municipalities having a population of one thousand and not exceeding two thousand, twenty-five dollars per annum.

(e) In municipalities having a population of two thousand, and not exceeding three thousand, thirty-five dollars per annum.

(f) In municipalities having a population of three thousand and not exceeding four thousand, forty-five dollars per annum.

(g) In municipalities having a population of four thousand and not exceeding five thousand, seventy-five dollars per annum.

(h) In municipalities having a population of five thousand and not exceeding ten thousand, one hundred and twenty-five dollars per annum.

(i) In municipalities having a population of ten thousand, and not exceeding fifteen thousand, one hundred and seventy-five dollars per annum.

(j) In municipalities having a population of fifteen thousand and not exceeding twenty thousand, two hundred dollars per annum.

(k) In municipalities having a population of twenty thousand and not exceeding twenty-five thousand, two hundred and fifty dollars per annum.

(l) In municipalities having a population of twenty-five thousand and not exceeding thirty thousand, three hundred dollars per annum.

(m) In municipalities having a population of thirty thousand and over, five hundred dollars per annum.

(n) The license or privilege taxes above provided which shall be paid to the State and several towns and cities according to population as above stated, shall be in lieu of all other license or privilege taxes required of said express companies in

this State, by an authority thereof, and shall be in lieu of all other taxes of whatever nature, except an advalorem tax upon tangible and intangible property of said company located in said State.

48. For each person engaged in the business of selling spectacles or eye glasses, five dollars.

49. For each person owning or operating any fertilizer factory in which the capital invested does not exceed twenty-five thousand dollars, fifty dollars; in which the capital invested exceeds twenty-five thousand dollars, and does not exceed fifty thousand dollars, one hundred dollars; in which the capital invested exceeds fifty thousand dollars, and does not exceed one hundred thousand dollars, two hundred dollars; in which the capital invested exceeds one hundred thousand dollars, two hundred and fifty dollars for each factory. For each fertilizer mixing plant, fifteen dollars.

50. Before any person, firm or corporation shall sell or be engaged in the business of selling goods, wares, merchandise, or other personal property, such sales being advertised as bankrupt, insolvent, insurance, assignee, trustee, testator, executor, administrator, receiver, auction, syndicate, railroad, or other wreck, wholesale or manufacturers or closing out sale, or as goods damaged by smoke, fire, water or otherwise, such person, firm or corporation shall file an application with the probate judge of the county where such sale is held, or to be held, for a license, which application shall be accompanied by an affidavit stating all the facts relating the reasons for and character of such sale so advertised and represented, and including a statement of the names of the persons from whom the goods, wares, and merchandise, or other personal property were obtained, the date of delivering to the person applying for such license, and the place from which said goods, wares and merchandise, or other personal property were last taken or brought, and all details necessary to exactly locate and fully identify the said goods, wares, merchandise or other personal property, and shall further pay to the judge of probate as a license for the privilege of selling such goods, wares, merchandise, or other personal property, the sum of one hundred dollars, and such license shall be required in each county where such business may be conducted; and upon the filing of such application and affidavit and payment of said sum, the judge of probate shall issue a license to such applicant, but the provisions hereof shall not apply to bona fide sales of general assignees for the benefit of creditors, or bona fide trustees selling under powers of sale in

any deed of trust or mortgage or lien, executors and administrators selling the goods of their decedent, or to any officer selling the property under legal process, or to regularly licensed auctioneers selling bona fide at public outcry in the usual course of their business.

51. Each dealer in fire works, such as roman candles, sky rockets, torpedoes, fire crackers, cannon crackers, cap guns, devil wheels, and such other articles commonly known as fire works in cities or within two miles of said cities of twenty-five thousand population, or more, twenty-five dollars; in cities or within two miles of said cities of ten thousand population, and not more than twenty-five thousand, fifteen dollars; in cities or within two miles of said cities of five thousand to ten thousand, ten dollars; in all other places, five dollars.

52. For each flying jenny, called also hobby horses, and merry-go-rounds, roller coaster, or other device of like character, in cities and towns of twenty thousand inhabitants, or over, and within one mile thereof, thirty dollars per year, ten dollars for each month, or five dollars for each week; in cities and towns of less than twenty thousand inhabitants, and more than two thousand inhabitants, or within one mile thereof, twenty dollars per year, five dollars for each month, and two dollars and fifty cents for each week. In any other place, ten dollars per year, two dollars per month, and one dollar per week; provided that whenever any license is taken out by any person for a flying jenny, merry-go-round, or other such device for a whole year, such person may operate such device at any point in the county where the license is taken out, provided that no person shall be permitted to operate such device in any locality for which a higher license is charged than that which he has paid.

53. For each fortune teller, palmist, or clairvoyant, fifty dollars.

54. For each fruit stand in cities and towns of over ten thousand inhabitants, five dollars; in other places, two dollars and fifty cents.

55. For each person engaged in the business of peddling fruit from a wagon, fifteen dollars for each wagon, provided this license shall be required of any person selling fruit grown by him in this State.

56. For each person engaged in the business of buying, selling or exchanging horses, mules, jacks or jennets, twenty dollars for each county.

561½. For every company of persons who travel from place to place and dwell in tents and vehicles and trade in horses or mules, one hundred dollars, and fifty dollars to every county in which they camp more than one night.

57. Each person operating a hotel or lodging house containing twenty bed rooms or more for transients shall pay an annual license of fifty cents for each bed room used for the lodging of guests; the license herein provided for shall permit the serving of food to guests occupying rooms. If meals, food or refreshment is served to the general public, and charged for, then the additional license required to be paid by restaurants, cafes, lunch counters and public eating houses shall be paid. If the hotel or lodging house is conducted in a town of two thousand or less, or in an unincorporated place, the license shall be one-half of the foregoing rates.

58. The term "insurance company" as used in this act shall include fire, life, benefit, accident, indemnity, fidelity, guaranty, employers liability, casualty, plate glass, burglary, automobile, tornado or cyclone, or any other insurance company charging a premium for contracts entered into by such companies, but shall not include fraternal insurance companies which are not conducted for profit and insure members only, such as Masons, Odd Fellows, Knights of Pythias, and similar orders.

59. No insurance company shall be admitted to or authorized to do business in this State until it shall file or deposit with the insurance commissioner, a properly certified copy of its charter or articles of incorporation, and a sworn statement of its financial condition as shown by the last annual statement prepared in such form as has been determined upon by the then last convention of the insurance commissioners of the United States. Such statement shall be published at the time of filing, without expense to the State, in a daily newspaper of general circulation published in the State of Alabama. At the time of filing the certified copy of the charter or articles of incorporation of such insurance company, together with the financial statement, the insurance commissioner shall collect from such company the sum of one hundred dollars as a filing fee, to be paid into the State treasury, and thereafter annually before the first day of March of each year a similar annual statement shall be filed by such insurance company with the insurance commissioner, and a like filing fee of one hundred dollars shall be collected for the use of the State of Alabama. No license or privilege tax shall be charged any insurance company by any county.

(a) Every insurance company, except fraternal benefit organizations desiring to engage in business in this State, in addition to complying with the requirements of the preceding section, shall within the first sixty days of the fiscal year, file with the insurance commissioner a statement which shall show that the insurance company has complied with all the requirements of the law to authorize it to do business in this State, and shall also show the total amount of premiums received by it for business done in this State for the preceding fiscal year ending December 31st, less return premiums, which statement shall be verified by the affidavit of an officer of the company having knowledge of the facts, and shall at the same time pay to the insurance commissioner the following amounts, that is to say:

(b) Each fire or marine insurance company shall pay one and one-half dollars on each one hundred dollars, and every other insurance company shall pay two dollars on each one hundred dollars of the gross premiums received by it for business done in this State, less return premiums, whether the same are actually received by said company in this State, or elsewhere, during the year ending the 31st day of December preceding, as a tax or license for doing business in this State; provided that any domestic insurance company shall pay only one dollar on each one hundred dollars of gross premiums, less return premiums so received by it for business done in this State, whether the same be actually received in this State, or elsewhere, and no credit or deduction of any kind shall be allowed or made on account of the cost of reinsurance taken by such company in a company not authorized to do business in this State; provided, however, that any insurance company for its first year's business in Alabama, shall pay a flat privilege or license tax for the use of the State in the sum of five hundred dollars. The books of said company shall be accurately kept, and shall show the date of receipt and number of policy and character and amount of each premium so received by it for business done in this State, and the name and address of each person from whom such premium was received. Said books shall always be open to the inspection of the insurance commissioner and the State board of equalization. Any insurance company failing to file such statement with the insurance commissioner, or willfully failing to keep its books in substantial compliance with the provisions of this section, or refusing to allow an inspection of its books at any time by the insurance commissioner, shall be guilty of a misdemeanor, and shall pay

to the State, in addition to said taxes, the sum of five hundred dollars within sixty days from the date of notice from the insurance commissioner of such delinquency, and shall be liable to a penalty of double the amount of such tax or license, and shall also be barred from transacting any business of insurance in this State until said taxes and penalties are fully paid. No officer or any board shall have any power or authority to remit or compromise any portion of the penalties herein prescribed. After the year 1915, no license or privilege tax, or other charge for the privilege of doing business shall be imposed by any municipal corporation upon any fire or marine insurance company doing business in such municipality, except upon a percentage of each one hundred dollars of gross premiums less return premiums on policies issued during the preceding year on property located in such municipality; provided, that such percentage shall not exceed four dollars on each one hundred dollars and major fraction thereof of such gross premiums; and no credit or deduction of any kind shall be allowed or made on account of the cost of reinsurance taken by such company in a company not authorized to do business in this State; provided, however that any municipality may charge a flat minimum license at the beginning of each year for new companies doing business therein on which there shall be an adjustment of the expiration of such year upon such percentage basis as may be fixed by said municipality; and provided further that such percentage shall not exceed four per cent of the gross premiums, less return premiums, collected by such companies on policies issued during the preceding year in such municipality. And in addition to said amount paid the State, there may by ordinance be levied and collected by the several cities and towns of the State from every insurance company other than fire and marine insurance companies for the privilege of doing business within the limits of said cities and towns, a privilege or license tax, to be computed and based on the population of said cities and towns as fixed by the last Federal census, not exceeding the following scale, to-wit:

(a) Each such insurance companies in cities and towns having a population of five thousand or less, ten dollars, and one dollar on each one hundred dollars and major fraction thereof, of the gross premiums, less return premiums, received during the preceding year on policies issued during said year to citizens of said cities and towns.

(b) Each such insurance companies in cities and towns having a population of five thousand and not over ten thousand,

fifteen dollars, and one dollar on each one hundred dollars, and major fraction thereof, on gross premiums, less return premiums, received during the preceding year on policies issued during said year to citizens of said town and cities.

(c) Each such insurance company in cities and towns having population of ten thousand and not exceeding fifty thousand, twenty dollars, and one dollar on each one hundred dollars and major fraction thereof of gross premiums, less return premiums received during the preceding year on policies issued during said year to citizens of said cities and towns.

(d) Each such insurance company in cities and towns having a population of more than fifty thousand, fifty dollars, and one dollar on each one hundred dollars and major fraction thereof, of gross premiums, less return premiums received during the preceding year on policies issued during said year to citizens of said cities and towns. Upon the payment or tender of the amount named in such ordinance of any city or town, any such insurance company which is authorized to do business in this State shall be permitted to do business in said city or town, through its agents, who shall not be subject to or required to pay further privilege or occupation tax for representing such company or soliciting business for it. On the 31st day of December of each year, or within sixty days thereafter, each insurance company which did any business in any city or town in this State during any part of the preceding year shall, if a license or privilege tax is imposed by said city or town on such insurance companies, furnish the mayor or executive head of such city or town a statement in writing duly certified, showing the full and true amount of gross premiums, less return premiums, received during the preceding year, as provided under this act, and shall accompany such statement with the amount of license due according to the foregoing schedule. Failure to furnish such statement, or to pay such sum, shall subject the company and its agents to such penalties as the ordinance of such city or town may prescribe for doing business therein without a license.

60. Each foreign insurance company desiring to carry on a business in this State, and each domestic insurance company, shall at the time of filing its annual statement procure from the insurance commissioner a certificate for each agent of such company in this State, showing that said company is authorized to do business, and the commissioner shall collect for the use of the State for each certificate issued by him, a fee, of

four dollars, and for each official seal impressed on said certificate a fee of one dollar.

61. For each ice factory, one dollar per annum for each ton capacity per day.

62. For each machine, such as nickel-in-the-slot, or other device of like character, whether the same is charged for or not, ten dollars; for each penny-in-the-slot machine, five dollars. This shall apply to music boxes, phonographs, etc. having the nickel-in-the-slot device, but shall not apply to any device prohibited by law, or to any machine from which individual drinking cups, postage stamps, electricity or gas is received for the amount placed in said machine. Where several such slot machines are run or operated as a "penny arcade" or like place of amusement, the total license on all machines so run or operated in any one "penny arcade" or like place of amusement shall be one hundred dollars per annum in towns or cities of more than twenty thousand inhabitants for the State, and fifty dollars for the county, and in all other places, fifty dollars per annum to the State and one-half of this amount to the county. This license shall be due and payable by the person, owner or proprietor of the establishment, store or place of business in or at which such slot machine is located, and the State shall have a lien for the payment of such license upon such machine, which lien may be enforced by attachment.

63. For each menagerie or museum when not in connection with a circus for each day's exhibition, twenty-five dollars.

64. For each junk dealer in cities and towns of over fifty thousand inhabitants, one hundred dollars; in cities and towns of less than fifty thousand inhabitants, and over ten thousand inhabitants, fifty dollars; in cities and towns of three thousand inhabitants, and less than ten thousand inhabitants, twenty-five dollars; in cities or towns under three thousand inhabitants, or within ten miles thereof, ten dollars. Each junk dealer, his clerk, agent or employee shall keep a book open to inspection, in which he shall make entries of all articles of railroad iron and brass, pieces of machinery, and plumbing material purchased by him, together with the name of the party from whom purchased, and upon failure to keep such book or record, and produce it on demand, the dealer shall forfeit his license. Each junk dealer, his clerk, agent or employee, to whom any new and unused articles or railroad iron and brass and pieces of machinery shall be presented for sale shall notify the police authorities that such articles are offered for sale within

a reasonable time thereafter, otherwise his license shall be forfeited.

65. For each laundry other than those run by hand power, ten dollars. This shall apply to laundries run by hotels for profit, and shall not apply to laundries in towns and villages of less than one thousand inhabitants.

66. Each attorney engaged in the practice of law shall pay an annual license of five dollars to the State, but no license shall be paid to the county. If such business is conducted as a firm, or as a corporation, in which more than one lawyer is engaged, each lawyer so engaged shall pay a license, provided, however, that no lawyer shall be required to pay a license until after he has practiced his profession for two years.

67. For each exhibition of feats of legerdemain or sleight of hand, or other exhibition or entertainment of like kind, twenty-five dollars.

68. For each person selling or delivering lightning rods one hundred and fifty dollars for each county in which they sell or deliver said article; and for each wagon and team used in delivering or displaying the same, an additional sum in each county of twenty-five dollars, but this section shall not apply to merchants selling lightning rods at their regular established places of business.

69. For each merchandise broker in cities of twenty-five thousand inhabitants, or more, twenty-five dollars; in cities of five thousand inhabitants, and less than twenty-five thousand inhabitants fifteen dollars; in cities of five thousand and less than ten thousand inhabitants, ten dollars; in towns of twenty-five hundred inhabitants and less than five thousand, five dollars; in towns of less than twenty-five hundred inhabitants, two dollars and fifty cents.

70. For each person who is engaged in the business of selling, or erecting monuments or tombstones in the State, five dollars for each county in which he sells or erects such monument or tombstone; provided that this shall not apply to benevolent and fraternal societies that place monuments at the graves of their members.

71. Every person, firm or corporation, whose principal business is lending money, and who has a fixed place of business for such purpose, shall pay an annual license of one hundred dollars, and this sub-division shall apply to all corporations engaged in business whether organized under the laws of this State or any other State or country, but shall not apply to banks or banking institutions regularly organized as such;

the payment of the tax in one county of the State, as evidenced by the license or official certificate of the probate judge shall be sufficient.

72 (a). No mortgage, deed of trust, contract of conditional sale, or other instrument of like character which is given to secure the payment of any debt, and which conveys any real or personal property situated within this State, or any interest therein, shall be received for record unless the following privilege or license taxes shall have been paid upon such instrument before the same shall be offered for record, to-wit: Upon all such instruments which are executed to secure any indebtedness which shall not exceed one hundred dollars, there shall be paid the sum of fifteen cents, and upon all such instruments, which shall be executed to secure an indebtedness of more than one hundred dollars, there shall be paid the sum of fifteen cents for each one hundred dollars of said indebtedness, or fraction thereof, which is secured by said mortgage, deed of trust, contract of conditional sale, or other instrument of like character, to be paid for by the lender.

(b) That when any deed is filed for record which recites that part of the purchase money is unpaid, such deed to the extent of such unpaid balance shall be held and treated as a mortgage, and the mortgage tax shall be collected by the judge of probate in addition to the tax for recording the instrument as a deed before recording the same, unless said balance of purchase money shall be secured by a mortgage or deed of trust, which has already been filed for record, and the tax thereon paid and the fact of such prior payment shall be endorsed on the deed. When any such deed is recorded, and the tax thereon is paid, and thereafter a mortgage securing the debt is filed for record, the same shall be admitted to record without the payment of the mortgage tax, and the fact of such prior payment shall be endorsed on the deed.

(c) The privilege taxes required by law to be paid on mortgages, deeds of trust and similar instruments shall not be required on or for the filing of any such instrument providing additional or substituted security for any indebtedness secured by an instrument previously filed upon the filing of which the taxes provided by law have been paid or which was filed at a time when no such privilege taxes were required by law, provided the secured indebtedness remains unchanged in amount and in time of maturity.

(d) Upon filing for record of such mortgage, deed of trust, contract of conditional sale, or other instrument of like char-

acter, the person to whom the same shall be made payable, or his agent, shall present the said instrument to the judge of probate of the county within which the property conveyed thereby or any part thereof is situated, and shall pay to the probate judge the amount of the tax required under this subdivision to be paid upon such mortgage, deed of trust, contract of conditional sale, or other instrument of like character, and upon such payment the probate judge or his clerk shall certify on said mortgage, deed of trust, contract of conditional sale, or other instrument of like character, the fact that the said tax has been paid, and when so certified by the probate judge or his clerk, such instrument shall be admitted to record in any county wherein any of the property mentioned in said instrument is situated, without the payment of any further tax thereon, except the fee of the probate judge for recording such instrument, and such certificate of the probate judge shall be recorded by the said probate judge when such instrument is recorded. The tax herein provided for shall be paid upon all contracts for the sale of real or personal property, whether the same be in the nature of a conditional sale, or a bond for title, and no such contract shall be received for record until such tax shall have been paid.

(e) When the time for the payment of the indebtedness secured by any such mortgage, deed of trust, contract of conditional sale, or other instrument in the nature of a mortgage is extended or renewed, and the extension or renewal contract is offered for record, the tax required in this subdivision shall be paid on the amount of indebtedness so extended or renewed; and the same shall be governed in all respects by the provisions of this subdivision. There shall be no ad valorem tax collected upon any such instrument, or the debts secured thereby, which shall have paid the tax prescribed by this subdivision, either State, county or municipal.

(f) Of the taxes collected by the probate judge under this subdivision, there shall be paid to the county treasurer of the county in which such taxes are collected, one-third of the amount collected by him, to be accounted for by him, and the remaining two-thirds of said amount collected to the State treasury. The probate judge shall receive five per cent of the amount collected by him as compensation for his services in collecting said money, and certifying said instrument, said five per cent to be retained by him out of the moneys collected by him under this subdivision; but when the property described in said instrument is situated in different counties within this

State, then the probate judge who collects said taxes shall pay over the amount due the county treasurer to the county treasurer of each of the different counties in which said property is situated an amount of said taxes that would be in proportion to the value of the property therein as compared with the value of the whole property within this State described in said instrument.

(g) If any part of the property embraced or described in any instrument which is required under this subdivision to pay a record privilege tax is located without this State, the indebtedness upon which the tax shall be paid for the privilege of recording such instrument shall be that proportion of the indebtedness secured by the instrument which the value of the property located in this State bears to the value of the whole property described in this instrument. The State board of equalization may ascertain the value of the whole property, and of that part of it which is located within this State, for the purpose of ascertaining the amount of the indebtedness upon which said tax shall be paid. And the value of that part of the property located within this State, and the amount of the indebtedness upon which such tax shall be paid, shall be ascertained in the following manner: First, the owner of any such instrument, or his agent, or attorney, may petition the State board of equalization to ascertain the value of the whole property, and of that part of it which is located within this State, and the amount of the indebtedness upon which such tax shall be paid, and said board of equalization after hearing such evidence as may be offered, shall fix and determine the value of that part of the property located within this State, and the amount of the indebtedness upon which the tax shall be paid, and shall endorse its findings on such instrument, and upon the presentation of said instrument, with such endorsements, to the probate judge of the county in which any part of the property is located, such endorsement, upon the payment of the tax upon the amount of such indebtedness as so ascertained by said board of equalization and of the recording fees of the probate; or second, the owner of any such instrument, or his agent or attorney, may have such instrument recorded by paying to the probate judge of the county in which the instrument is offered for record, the privilege tax on the entire amount of the indebtedness secured by such instrument; and may thereupon present his petition to the State board of equalization within thirty days after said instrument is recorded, and it shall be the duty of such board to ascertain the value of the whole property and

of that part of it located within this State, and to fix and determine the amount of the indebtedness upon which the tax shall be paid, and said board shall thereupon ascertain such valuation and fix and determine such indebtedness, and shall order the judge of probate to refund the excess of privilege tax collected by him, and the probate judge shall comply with such order; and the tax paid on the entire amount of such indebtedness shall be held by the probate judge until the board of equalization determines the amount of the indebtedness upon which such tax shall be paid.

(h) Any probate judge who shall file for record or shall record any mortgage, deed of trust or other instrument in the nature of a mortgage, without collecting the recording or registration tax provided for the recording or registration of such instruments, or who shall fail to certify the fact that said tax has been paid before the filing and recording of such instrument, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than one hundred dollars.

(i) Any probate judge who fails to keep an abstract of mortgages or other instruments intended to secure the payment of moneys which are filed in his office for record, as he is required by law to keep, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than five hundred dollars.

73. Every person, firm or corporation engaged in the business of selling on railroad trains in this State newspapers, periodicals, magazines, candy, fruits and articles of like character, shall pay a license tax at the rate of ten cents per mile per annum for each and every mile of track upon which such person, firm or corporation operates in this State, and no county license shall be charged to any person engaged in the business described in this section. The person, firm or corporation desiring to engage in such business may take out a separate license for each division of the railroad upon which it is desired to operate, and such license will entitle the holder to carry on the business herein described on all trains running over such division. Such license shall be paid to the State treasurer. Application therefor shall be accompanied by a sworn statement giving the terminal points on the railroad between which it is proposed to operate, and the number of miles between such terminal points. Any person who shall have paid the license specified in this subdivision shall be entitled to receive a certificate for each agent which he may employ for making such

sales, showing that such license has been paid, and such certificate shall be exhibited on demand to any officer authorized to collect State revenues as evidence of the right of the holder to do business, and no agent of such licensee shall carry on such business or make any such sales unless he shall have such certificate with him.

74. Each person, firm, corporation or agency selling illuminating, lubricating or fuel oils, or gasoline at wholesale, that is to say in quantities of twenty-five gallons, or more, shall pay to the State treasurer for the use of the State within two weeks from the beginning of the fiscal year, the sum of one-half of one per centum on his gross sales for the preceding fiscal year, and such payment to the State treasurer shall be accompanied by a sworn statement verified by a person having knowledge of the facts, showing the amount of the gross sales of such oils and gasoline sold in the State during the preceding fiscal year. A copy of the said statement shall at the same time be filed with the State board of equalization. The books of such person so engaged in such business shall be accurately kept and shall show the date, character and quantity of such oils and gasoline received by him for sale in this State, and the name and post office address of the person from whom received, and said books shall also show the date, character and quantity of each sale made, together with the name and address of the person to whom sold; and when consigned to an agent for sale in this State, the date, character and quantity of such consignment, together with the name and address of such agent, and place of consignment. Said books shall always be open to inspection of the State board of equalization. Any person failing to make such sworn statement, or making a false statement, or failing to keep his books in substantial compliance with this section, shall be guilty of a misdemeanor, and upon conviction therefor shall be fined not exceeding five hundred dollars, and also forfeit to the State three times the amount of said license on such gross sales.

75. For each person operating a news stand for the sale of newspapers, magazines and periodicals, five dollars.

76. Each oculist, optometrist or optician practicing his profession shall pay an annual license of five dollars to the State, but no license shall be paid to the county. If such business is conducted as a firm or a corporation in which more than one person is engaged, each oculist, optometrist or optician so engaged shall pay a license of five dollars, provided further, that no license shall be required to be paid under this section

until after such oculist, optometrist or optician has practiced his profession for two years, nor when the license tax for selling spectacles or eye glasses has been paid under subdivision 48 of this act.

77. Each osteopath practicing his profession shall pay an annual license of five dollars to the State, but no license shall be paid to the county: If such business is conducted as a firm, or a corporation in which more than one osteopath is engaged, each osteopath so engaged shall pay a license of five dollars, provided further, that no osteopath shall be required to pay a license until after he has practiced his profession for two years.

78. Every person who shall sell, or offer to sell the right to manufacture or use any machinery, appliance, device or other thing patented under the laws of the United States, or who shall offer to sell the right to manufacture, sell or use such patented article or patent right in any prescribed territory in this or any other State, or foreign country, shall pay a license to the State of fifty dollars for each county in which he shall offer to sell such patent, or patented machinery, appliances, device or other patent, or any interest therein, or the right to manufacture, use or sell the same in any prescribed territory in this or any other State or foreign territory. Before any license shall be issued under this section the party desiring to obtain such license shall cause to be recorded on the deed records of county, at his own expense, in the office of the probate judge of the county in which the license is applied for, a certified copy of the letters patent, and a full description of the patented article, appliance, device or other thing, together with a statement of the purpose for which, and the manner in which it may be used so as to be a source of profit. The applicant shall also file and cause to be recorded at his own expense on the deed records of the county in the office of the probate judge, evidence of his ownership of said patent, or any interest therein, or right thereto, which he proposes to sell. Provided that nothing herein contained shall operate to require the payment of a license tax for selling a patented or manufactured article unless specially licensed under the provisions of this act.

79. For each pawn broker, two hundred and fifty dollars; but this shall not be construed to allow the sale of pistols, unless an additional license is paid as required by this act.

80. For each traveling photograph gallery going from county to county in railroad car, twenty-five dollars; for each traveling photographer, traveling in any other way, five dol-

lars. All such photographers shall pay one-half of such sums as a license to each county in which he does business.

81. Each physician or surgeon engaged in the practice of medicine or surgery, and every other person who practices the art of healing bodily or mental infirmities without physic or surgery, shall pay an annual license of five dollars to the State, but no license shall be paid to the county, provided that no physician or surgeon shall be required to pay a license until after he has practiced his profession two years.

82. For each peddler of medicine or other articles of like character, one hundred dollars for each county in which they peddle; fifty dollars of said amount to be paid to the county in which such license is paid, and fifty dollars to go to the State; and for each peddler of spectacles or eye glasses, five dollars for each county in which they peddle; for peddlers of medicine with vocal or instrumental music, or both, one hundred dollars for each county in which they peddle; for peddlers traveling in automobile or motor car, fifty dollars; for peddlers in wagons drawn by one horse, or other animal, twenty-five dollars; in a wagon drawn by two horses, or more, or other animals, thirty-five dollars; on a horse or other animal, fifteen dollars; on foot, ten dollars; when accompanied by singers or performers on any musical instrument, one hundred dollars; but peddlers of tinware only, and peddlers of wooden and stone or clay hollowware only, and tanners who manufacture leather goods and peddle these only, shall not be required to procure license. A peddler's license shall entitle him to peddle only in the county where it is taken out. Any person may demand of peddlers, itinerant dealers and traveling agents their license, and unless they exhibit the same or show that they have a right under the law to peddle the articles carried by them, or carry on the business they are engaged in without a license, such person may, and is hereby authorized to arrest such peddler, itinerant dealer or traveling agent and carry him before the nearest county court judge, justice of the peace, mayor, recorder, intendent of any town or notary public exercising the power of a justice of the peace, and such officer before whom such peddler, itinerant dealer or traveling agent is carried, must, if he finds such person to be dealing without a license, forthwith issue a warrant for his arrest, returnable to any court of the county having criminal jurisdiction, which warrant may be executed by the sheriff, or by any constable of the county and city or town marshal, policeman, or any officer having authority to make arrests. It shall, however, be lawful for any person who has lost

his eyesight, who is unable to perform manual labor (if he shall secure the certificate from the county health officer and the certificate of the judge of probate of such facts) to peddle in any such county in the State free of license, but no person shall be exempt from the payment of license to peddle medicine, nor shall this subdivision be so construed as to require a license of peddlers of fish, oysters, game, fresh meats, fruit and all farm products raised by the seller. For each peddler of clocks doing business in this State, a license tax of fifty dollars and a county tax of twenty-five dollars for each county in which such business is carried on.

82½. Provided that nothing in this act shall prevent any Union or Confederate Veteran from peddling free of license tax, pop corn, peanuts, pencils, writing paper, shoe strings and any articles manufactured by such veteran, either personally or at the Soldiers' Home.

83. For every itinerant vender who shall sell or offer for sale any drug, poison, ointment or medical preparation intended for treatment of any disease or injury, who shall by speech, writing or printing, or any other method profess to cure or treat disease or injury or deformity by any drug, nostrum or medical preparation, two hundred and fifty dollars per annum to the State, and one-half of such amount in each county where he does business. But the license taken out under this section shall not be so construed as to authorize the license to practice medicine or treat persons for disease.

84. Any persons operating yards or inclosures for the purpose of storing pig iron therein, and selling warrants thereon, or receipts therefor, for each yard or inclosure, fifty dollars.

85. For each person, firm or corporation dealing in shot guns, rifles, noiseless guns or air rifles, whether principal stock in trade or not, twenty-five dollars. For each person, firm or corporation dealing in pistols, pistol cartridges, rifle cartridges, rifle or maxim silencers, bowie knives, or dirk knives, brass knucks, or knucks of like kind, whether principal stock in trade or not, one hundred dollars.

86. For each person who, either in person or through agents, solicits orders for the enlargement of photographs or pictures of any character, or for picture frames, whether they make charges for such frames or not; or for each person, firm or corporation who, either in person or through agents, sells or disposes of picture frames, twenty-five dollars as a license to the State for each county in which they may do business, and one-half of such amount as a license to each county in which

they may do business; but this subdivision shall not apply to merchants or dealers having a permanent place of business in the State, and keeping picture frames as a part or all of their stock in trade.

87. For each person engaged in the business of selling, renting or delivering pianos, organs, or all of such articles, in this State, either in person or by agent, consignee, or broker, one hundred dollars as a license to the State for each county in which he may do business, or in which he sells or attempts to sell any such article, and one-half of such amount as a license to each such county; but this license shall not apply to merchants or dealers having one or more permanent places of business in this State and keeping any of said articles as part or all of their stock in trade. Such merchants or dealers keeping any of such articles as part or all of their stock in trade shall for the same pay to the State one annual license of one hundred dollars which may be paid in any one of the counties in which said permanent place or places of business is or are established, and the payment of such license in such county as evidenced by the certificate of the judge of probate thereof, shall be sufficient for all other counties in which they may do business or sell or offer for sale such articles.

88. For each pool table upon which the game of pin pool is played, one hundred dollars. For each table upon which the game of pool is played, with fifteen balls, more or less, and not pin pool, twenty-five dollars; provided, that the provisions of this section shall not apply to pool or billiard tables operated or owned by private individuals and used in their homes, or pool or billiard tables operated or owned by private clubs, social clubs or Y. M. C. A.'s.

89. For each person doing business as a master plumber and gas fitter, or either, in towns and cities of ten thousand or more inhabitants, twenty-five dollars; in all other places, ten dollars.

90. For each public hall let to hire, in cities of five thousand or more inhabitants, twenty-five dollars; of less than five thousand inhabitants, and more than two thousand inhabitants, fifteen dollars. In all cities and towns of two thousand inhabitants, or less, ten dollars. But the provisions of this section shall not apply to public halls owned by the city or town.

91. For each person, firm or corporation operating a public utility, such as an electric light or power plant, street or inter-urban railroad operated by electricity or other motive power, water works, gas company, or heating company, or other public

utility, except telephone and telegraph companies, railroad and sleeping car companies, and express companies, which are otherwise licensed, shall pay to the State a license tax equal to two mills on each dollar of the gross receipts of such public utility for the preceding year. Such license tax shall be paid to the probate judge of the county where any such public utility does business, and the application for such license shall be accompanied by a statement made by the president or manager of the public utility corporation, or by the owner thereof, giving the name of the person, firm or corporation owning and operating said public utility, and the principal place of business thereof, together with a statement under oath of the amount of the gross receipts of said public utility for the preceding year. The books of every person, firm or corporation operating a public utility shall be at all times open to the inspection of the State board of equalization. Any person failing to make such sworn statement, or willfully making a false statement of the gross receipts of such public utility, shall be guilty of a misdemeanor, and, upon conviction therefor, shall be fined not exceeding five hundred dollars, and shall also forfeit to the State three times the amount of the license on said public utility.

92. The maximum amount of privilege or license tax which the several municipalities within the State may annually assess and collect of persons, firms or corporations operating street railroads, electric light and power companies, gas companies, steam heating companies, water works companies, incorporated under the laws of this State, or any other State, or whether incorporated at all or not, shall not exceed two per cent of the gross receipts of the business of such persons, firms or corporations for the preceding year, provided, that each municipality may impose a license tax not to exceed two per cent of its gross income in the municipality. Provided that this shall not affect any existing contract between any municipality and any public utility operating therein.

93. For each public race track used for racing at or within five miles of any city or town containing less than five thousand inhabitants, one hundred dollars; at or within five miles of any city or town containing more than five thousand inhabitants, two hundred dollars, provided, this section shall not apply to race tracks used by any county or State fair.

94. For each railroad ticket broker, otherwise known as scalper, or other railroad ticket agent, except agents actually employed by a railroad operated in this State, in cities or towns of ten thousand inhabitants, or over, one hundred dol-

lars; in cities or towns of less than ten thousand inhabitants, fifty dollars.

95. For each restaurant, cafe, lunch counter or public eating house, where meals, food or refreshments are served and charged for, in cities or towns of more than fifty thousand inhabitants, twenty dollars; in cities or towns of less than fifty thousand and more than twenty thousand inhabitants, ten dollars. In all other places, five dollars.

96. Each person, firm or corporation selling or delivering sewing machines, either in person or through agents, shall pay twenty-five dollars annually to the State for each county in which they may sell or deliver sewing machines, and for each wagon and team used in delivering or displaying the same, an additional license shall be paid to the State of ten dollars.

97. Each person operating a shooting gallery shall pay an annual license of twenty-five dollars, but such license may be taken out for one month, in which case the license shall be five dollars per month.

98. Any person or persons, joint stock association or corporation, engaged in the business of operating cars, not otherwise listed for taxation in this State, for the transportation, accommodation, comfort, convenience or safety of passengers, on or over any railway line or lines in whole or in part within this State, whether such cars be termed sleeping, palace, parlor, chair, dining or buffet cars, or by some other names, shall be deemed to be a sleeping car company. Each person, firm or corporation engaged in the business of operating or running sleeping cars (except railroad companies operating their own sleeping cars) and doing business in this State, shall each pay in advance on the first day of January of each year to the State treasurer the sum of six thousand dollars as and for license, privilege and franchise taxes, and in full satisfaction for all taxes imposed on sleeping car business of such person, firm or corporation and upon the property and intangible assets used in such business and no company or person required to pay such taxes to the State shall be required by any municipality in which it does business by agent to pay any sum as a license or privilege tax greater than ten dollars for any such municipality which may be authorized by law to collect a privilege tax or license tax of such company or person.

99. Each person, firm or corporation engaged in the business of selling soft drinks in a store or stand, conducting what is known and called a soda fountain, shall pay annually the following licenses: In unincorporated places and towns and

cities of not over five thousand inhabitants, five dollars; in cities of five thousand and not over fifteen thousand inhabitants, seven dollars and fifty cents; in cities of over fifteen thousand and not over twenty-five thousand inhabitants, ten dollars; in cities of over twenty-five thousand inhabitants and not more than fifty thousand inhabitants, twelve dollars and fifty cents; in cities of over fifty thousand inhabitants, fifteen dollars; provided that in all places where the investment in the business is less than one thousand dollars, the license shall be only five dollars.

100. For each skating rink, twenty-five dollars.

101. Each person dealing in stocks and bonds, fifty dollars.

102. Each person, firm or corporation selling or delivering stoves or ranges, shall pay fifty dollars annually for each county in which they may sell or deliver said articles; and for each wagon and team used in delivering or displaying the same, an additional sum for each county of twenty-five dollars annually, but this section shall not apply to merchants selling the above enumerated articles at their regularly established places of business.

103. The owner, conductor or person in charge of every supply car, or car from which any goods, wares or merchandise are sold, whether to servants of the railroad company, or to others, must pay a license of one hundred dollars; and the person so licensed shall thereby be entitled to carry on such business in the car therein named in any county in which such car is run or drawn; but each such county may charge a license therefor of ten dollars.

104. Each person practicing veterinary surgery shall pay an annual license of five dollars to the State, but no license shall be paid to the county, provided that no veterinary surgeon shall be required to pay a license until after he has practiced his profession for two years.

105. Each person, firm or corporation engaged in buying, selling or renting real estate on commission, when such real estate is situated in this State, shall pay to the State the following license tax. In cities and towns of ten thousand inhabitants or over, fifteen dollars; in cities and towns of less than ten thousand inhabitants, and more than five thousand inhabitants, ten dollars; in all other places, five dollars.

106. Every person, firm or corporation who shall sell, or who offers to sell in this State any lots or lands situated in another State, or who offers to sell at auction or advertises any auction sale of town lots, or the sale by auction, or otherwise, of lots in any subdivision of land, situated in another State,

shall pay an annual license to the State of one hundred dollars. Before any license shall be issued under this section the party desiring to obtain such license shall cause to be recorded at his own expense on the deed records, in the office of the probate judge of the county in which the license is applied for, a full description of the lands or lots so offered for sale, together with the location of same, and if said lands have been divided into lots, shall, at his own expense, file a map of said subdivision, which shall be recorded upon the plat book of the county in the office of the judge of probate, and reference to said plat book shall be made on the deed records, and noted in the general, direct and reverse index of said county. The applicant shall also file and cause to be recorded, at his own expense, in the office of the probate judge, evidence of the ownership of the vendor of said lands or lots, the character and extent of such ownership, together with a statement of any and all mortgages or other liens which may exist thereon.

107. Each person, firm or corporation operating a telegraph business between points wholly within this State, and without reference to its interstate commerce or governmental business, shall pay on or before the fifteenth day of each fiscal year to the State treasurer a license or privilege tax based on the mileage of the telegraph line, or lines, operated by it in this State as follows:

Each telegraph company whose lines within the State do not exceed one hundred and fifty miles shall pay at the rate of one dollar per mile; each telegraph company whose lines within the State exceed one hundred and fifty miles shall pay five hundred dollars, together with one dollar for each additional mile of such lines within this State, and no telegraph company which has paid the license or privilege tax herein required shall be liable to pay any additional license or privilege tax in this State, except licenses required by cities and towns, and except upon its real estate, fixtures and other property, which shall be subject to taxation as other property in the State. The payment of such license or privilege tax to the State treasurer shall be accompanied by a sworn report, showing the number of miles of telegraph lines operated by such company in this State, and in default of such payment or the making of such report for thirty days after the first day of the fiscal year a penalty of double the amount of such tax shall be imposed upon and collected of each defaulting company.

108. Each person, firm or corporation operating a local telephone exchange, or exchanges, as distinguished from a long

distance telephone business, and without reference to its interstate commerce or governmental business, which it is not proposed to tax, shall pay on or before the expiration of the fifteenth day of each fiscal year to the State treasurer a privilege tax based on the mileage of the telephone lines operated by it, and wholly within this State, as follows: Each person, company, or corporation operating a telephone system whose lines within this State do not exceed fifty miles shall pay at the rate of twenty-five cents per mile. Each telephone company whose lines within the State do not exceed one hundred fifty miles shall pay at the rate of fifty cents per mile; and each telephone company whose lines within the State exceed one hundred fifty miles, and do not exceed two hundred fifty miles, shall pay at the rate of one dollar per mile; and each telephone company whose lines within the State exceed two hundred fifty miles shall pay two dollars for each mile of line within this State, and in addition thereto, the sum of one thousand dollars, and no telephone company which has paid a privilege tax herein required, shall be liable to pay any additional privilege tax in this State except licenses required by cities and towns, but the real estate, fixtures and other local property of such telephone company shall be subject to taxation as other property in this State. The payment of such privilege tax to the State treasurer shall be accompanied by a sworn report showing the number of miles of telephone lines operated by such company in this State, and in default of the payment of such tax, or the making of such report, for thirty days after the first day of the fiscal year, a penalty of double the amount of such license shall be imposed upon and collected of each defaulting company. Provided that the provisions of this section shall not apply to community telephone lines and not operating for profit.

109. Each person, firm or corporation engaged in the business of operating a long distance telephone line, or long distance system as distinguished from a local telephone exchange, and without reference to its interstate commerce or governmental business, which it is not proposed to tax, where the lines owned or operated by such company exceed one hundred miles, shall pay in advance, on or before the fifteenth day of each fiscal year, to the State treasurer, a license or privilege tax of two dollars per mile for each mile of line so operated. No telephone company which has paid the privilege tax herein required shall be liable to pay any additional privilege tax in this State, except licenses required by cities and towns. The

payment of such privilege tax to the State treasurer shall be accompanied by a sworn report showing the number of miles of telephone lines operated by such company in this State, and also the principal place of business in this State of such company, and in default of the payment of such tax, or the making of such report for thirty days after the first day of the fiscal year, a penalty of double the amount of such license shall be imposed upon and collected from each defaulting company.

110. Each person engaged in conducting a theatre, moving picture show, vaudeville or variety show, and each person conducting any other exhibition, show, entertainment or performance, to which an admission is charged, and not in this act otherwise licensed, shall pay an annual license for each place of business, as follows: In towns or cities of three thousand inhabitants, or less, and in unincorporated places, fifteen dollars; in cities of more than three thousand, and less than seven thousand inhabitants, twenty dollars; in cities of more than seven and less than twenty thousand inhabitants, thirty dollars; in cities of more than twenty thousand and less than thirty thousand inhabitants, forty dollars; in cities of more than thirty thousand inhabitants one hundred and fifty dollars. Provided that whenever the municipal authorities shall authorize them to operate on Sunday, the license shall be double the amount as hereinbefore set out.

111. Every person who engages in or carries on the business of issuing or selling to merchants, trading stamps, or any device or substitute thereof, or any stamps or certificates of like character which are to be given by merchants to purchasers of goods, wares or merchandise, and which said stamps, certificates or devices, or substitute therefor the person issuing or selling the same agrees to accept in payment for goods, wares and merchandise kept on hand by himself or another for redemption, or for distribution by the person issuing or selling such stamps or certificates, shall pay to the State of Alabama a privilege or license tax of three per cent. on the gross receipts from such business, and such license or privilege tax shall in no event be less than one thousand dollars. The said tax shall be paid in the following manner: Any person desiring to engage in such business shall pay on or before the fifteenth day of the fiscal year to the State treasurer the sum of one thousand dollars, and shall also at the same time execute a bond, payable to the State of Alabama, to insure payment to the treasurer of the State of a privilege or license tax of three per cent. on the gross receipts of such business in this State for one year, if at the

end of such year it shall appear that such three per cent. of the gross receipts exceeds the sum of one thousand dollars. Any person who takes out a license and pays therefor the sum of one thousand dollars, shall on the last day of the fiscal year make out a sworn return to the State treasurer of all trading stamps, certificates, or similar devices issued or sold during that year, giving the name and address of every merchant or mercantile establishment which has bought or had issued trading stamps by the person making the return, and if it appears therefrom that three per cent. of the amount received from the issue or sale of trading stamps during the year, exceeds the sum of one thousand dollars, such person shall pay to the State treasurer, the excess of said amount, but if such three per cent. does not exceed the sum of one thousand dollars, then no further payment shall be made, and said bond shall thereafter be null and void. It shall be a misdemeanor, punishable by a fine of not exceeding one thousand dollars, for any person to issue trading stamps or certificates, or any device of like character without having complied with the terms of this subdivision, and the said license or any part thereof herein required to be paid may be collected by attachment in any court in this State.

112. Each person, firm, or corporation engaged in the business of transferring passengers or baggage to and from dwellings or hotels, in cities of five thousand or more population, to and from railroad depots, docks, wharves, or boat landings, operating more than three vehicles, shall pay an annual-license of fifty dollars.

113. For each toll bridge or ferry, where thoroughfare tolls are charged for animals or vehicles crossing the same when not within two miles of the corporate limits of a town or city of two thousand inhabitants, where the income is more than three hundred and less than six hundred dollars per annum, five dollars; for same in or within two miles of the corporate limits of any town or city of more than two thousand inhabitants and less than five thousand, fifty dollars; for same in or within two miles of the corporate limits of a town or city of five thousand inhabitants, or more, seventy-five dollars; but when the gross income of any ferry within two miles of the corporate limits of a town of over two thousand inhabitants does not exceed twelve hundred dollars in any one year, the license for such ferry shall be twenty-five dollars.

114. Every person who canvasses, peddles, sells by sample or distributes to users or consumers, clocks, agricultural implements or machinery, wagons, buggies, carriages, surreys, or

other similar vehicles, churns, or washing machines, shipping to this State in carload lots, or in bulk, shall pay a license tax to the State of one hundred dollars for each county in which the said occupation is carried on, and shall also pay a license tax of one-half of said amount to the county, but this section shall not apply to merchants, livery and sale stables selling the above enumerated articles at their regularly established places of business.

115. For each person, firm or corporation operating a warehouse or yard for the storage and hauling of cotton for compensation, a license tax to the State as follows: Every such warehouse storing not more than five thousand bales in any one year, ten dollars; more than ten thousand bales, twenty-five dollars; more than ten thousand bales and not more than twenty thousand, fifty dollars; more than twenty thousand and not more than thirty thousand bales, seventy-five dollars; more than thirty thousand bales, one hundred dollars.

116. Each person, firm or corporation operating a warehouse or yard for the storage of goods, wares and merchandise for hire, shall pay an annual license to the State of twenty-five dollars; where such warehouseman also acts as a distributing agent and forwards or distributes the goods stored in such warehouses, and charges for such service, he shall pay an additional license of twenty-five dollars.

117. Each person dealing in witness script, \$25.00.

Sec. 2. There is also hereby levied for the use of each county in the State a license or privilege tax upon each person, firm or corporation engaged in, or who shall carry on any of the occupations, business, professions, or callings, or shall exercise any privilege, or do any act for which a license is charged by the State, of fifty per cent. of the State license or privilege tax, except in cases where the amount of such county license is fixed by this act, and except in cases where it is provided that no county license is paid.

Sec. 3. Before any person, firm or corporation shall engage in or carry on any business or do any act for which a license by law is required, he, they or it shall pay to the judge of probate of the county in which it is proposed to engage in or carry on such business or do such act, the amount required for such license, and shall comply with all the other requirements of this act; and upon payment of such amount and a fee of fifty cents to the probate judge for the issuance of such license, and all costs and fees and penalties which shall have accrued, or for which such person, firm or corporation shall have become

liable in any proceedings commenced for the collection of such license, or to enforce payment thereof, and upon compliance with all other provisions of this act by the applicant, such judge shall issue the license countersigned by him in the form and on the blank to be furnished to him by the State auditor, which shall set forth and specify the name of the person, firm or corporation applying therefor, the business or act which it is proposed to carry on or do thereunder, the name of the street or location where it is proposed to carry on the same, if such location shall be in a city or town, and have a street number, and if not, then specify the location and amount paid for such license, and the time for which it is issued; and if the license is for a peddler, it shall state whether he proposes to travel on foot or on horseback, or on wagon; and such license shall not be transferrable, nor shall it entitle the holder thereof to carry on any other business or do any other act than that named therein, nor at any other location than that therein specified.

Sec. 4. In all cases where the amount to be paid for license depends upon the amount of the capital invested, or the value of goods or stock, or amount of sales or receipts, or any other fact or condition hereinbefore recited, it shall be the duty of the person applying for such license to render to the judge of probate a sworn statement of the amount of capital invested, or value of goods or stock, or amount of sales or receipts, and to make under oath such further proof or affidavit as may be required by the judge of probate to determine the character of the license, and the amount to be paid for the same.

Sec. 5. Any person who shall knowingly make any false affidavit, or certificate in connection with the ordering or procuring of a license to carry on any business or to do anything in this State for which a license is required, shall be guilty of a misdemeanor, and upon conviction, when the offense is not otherwise specially provided for, shall be fined not less than one hundred dollars, nor more than one thousand dollars, and at the discretion of the court, may be sentenced to hard labor for the county, or imprisoned in the county jail not to exceed six months, as additional punishment.

Sec. 6. That the State board of equalization is hereby authorized and empowered to appoint a license inspector for each county, provided the same person may be appointed for more than one county, whose duty it shall be to scrutinize the records and stubs kept in the office of the judge of probate, and if it shall be reported to any license inspector or come to his knowledge that any person, persons, firms or corporations have failed

or refused to take out licenses as required by law, the license inspector shall report the same to the judge of probate, who shall forthwith cite such delinquent to appear before him and take out such license. If such delinquent shall fail or refuse to take out license, the license inspector shall institute or cause to be instituted criminal proceedings against such delinquent, before any court having jurisdiction of such offense. In case of emergency, the license inspector must commence the criminal proceedings in the first place. For performing the duties required by this section, the license inspectors are entitled for each case so brought before the probate judges, to be paid by the delinquent in addition to the license, fifteen per cent. of the amount of the license so collected from each delinquent, and if a criminal prosecution shall be commenced, either by information or indictment, the license inspector shall be paid fifteen per cent. of the penalty prescribed in such case, all cost and penalty to be paid in money, but in all proceedings under this section, the license shall not be delinquent before the first day of November of each year. Provided that such license inspector shall before entering upon his duties be required to enter into bond in a sum to be fixed by the State board of equalization, payable to the State of Alabama, conditioned as bonds of other State officers.

Sec. 7. It shall be unlawful for any person, firm or corporation to engage in or carry on any business, or do any act for which a license is required by law, without having first paid or taken out a license therefor in the manner in this chapter provided. Any person who is convicted of failing to take out and pay for the license required shall be fined not less than the amounts of all licenses required of him, and if convicted or refusing to take out the license shall be punished as provided by section 9 of this act.

Sec. 8. The State and counties shall have a lien superior to all other liens upon the goods, wares, and merchandise used in any business for the doing of which a license is required by the State, which said lien may be enforced by attachment in one and the same suit and in the name of the State.

Sec. 9. Any person who acts as agent for any person, firm or corporation liable to the payment of a license or privilege tax, without said license or privilege tax having been paid, shall on conviction be fined in a sum equal to the State and county license, and one hundred dollars in addition thereto, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Sec. 10. It shall be the duty of the State auditor, with the approval of the Governor, to prepare and have printed suitable forms of licenses, and as often as need be, to furnish to the several judges of probate blank licenses signed by him sufficient for the probable wants of their respective counties, taking their receipts for the same. Each such blank shall have a stub attached thereto, on which shall be printed such matter as the auditor may prescribe with appropriate blank spaces to be filled in by the judge of probate upon the issuance of any license. The auditor shall take and file in his office a proper receipt from the judge of probate for the blank licenses furnished him.

Sec. 11. Upon the issuance of any license the judge of probate must, before detaching the license from the stub, fill up the blank spaces in the stub to correspond in all respects with the license as issued, and sign his name thereto.

Sec. 12. The judge of probate shall keep in a book prepared for that purpose, an accurate account of all the licenses received by him from the State auditor, and of the disposition made of them, and of all money received from licenses by him issued, and make report thereof to the State auditor within ten days after the first day of January, 1916, and thereafter, within ten days after the expiration of the fiscal year, at which time he shall return to the State auditor all unused licenses and stubs, or account to the State auditor for all such unused licenses, and shall also return to the State auditor the stubs of all licenses issued by him, and the judge of probate shall, on demand of the State auditor, at any time, exhibit to him or to any agent appointed by the State auditor for that purpose, such license record and the original of all licenses then remaining in his hands, and all stubs of licenses issued.

Sec. 13. Within five days after the end of each month, the judge of probate must remit to the State treasurer at the expense of the State, all money received by him for licenses belonging to the State, and pay to the county treasurer all the money received by him for licenses belonging to the county, and within the same time, the judge of probate shall forward to the State auditor a certified list of all licenses issued by him, stating therein for what business issued, amount collected for each license, from whom collected, and date of such collection; and if no licenses have been issued, he shall report that fact. The judge of probate shall be entitled to receive two and one-half per cent. of the amount of money collected for licenses due the State, which he may deduct from his remittance to the State treasurer, and he shall be entitled to the same amount as

compensation for collecting license due the county, which amount he may deduct from the payment made by him to the county treasurer, but he shall not be allowed any commission on any money not remitted or paid within five days from the end of the month. If the judge of probate fails to comply with the provisions of this section within five days after the date on which he is required to make such report, and to remit the money collected by him, the auditor shall forthwith report the fact to the Governor, who shall cite such judge of probate to show why he has not made report of the list of licenses and paid over the amount collected by him as required by law, and if such judge of probate fails to show sufficient cause for such failure, the Governor shall direct the attorney general to institute impeachment proceedings against him before the Supreme Court.

Sec. 14. The judge of probate must on the first day of the terms of each circuit and city court of the county, furnish to the acting solicitor, to be by him laid before the grand jury, a statement in writing showing the licenses granted, and the amount received thereon within the last twelve months preceding such court, to whom and for what business the said license was granted.

Sec. 15. When any person has taken out and paid for a license to carry on any business in this State, and has afterwards been prohibited by law from carrying on such business before the time named in the license has expired, such person shall be entitled to have refunded to him such proportionate part of the whole sum for such license as the unexpired term thereof bears to the whole time for which the license was originally granted; and any person who, through a mistake or error on the part of the probate judge, has paid to the probate judge money that was not due from him for such license, or by such mistake has paid to the probate judge for such license an amount in excess of that required by law for the business to be carried on by such person under the license, such person shall be entitled to have refunded to him the amount in either event so erroneously collected by the probate judge, and the provisions of this section shall apply in cases where money has heretofore been erroneously paid within two years before the approval of this act.

Sec. 16. On the application of any such person, his executor, administrator, or assigns, the judge of probate for the county in which such license was taken out shall proceed to ascertain the amount due such applicant under the provisions

of the preceding section, and shall grant such certificate as will enable the State auditor, and court of county commissioners to draw his warrant, or their order respectively, and such warrant or order shall be paid out of any moneys in the State treasury, or county treasury not otherwise appropriated.

Sec. 17. It is hereby made the duty of the several probate judges in this State to furnish to the sheriffs the name or names of every person, firm or corporation in their respective counties whom they may know, or have cause to believe are liable to a license tax for and on account of the business he, they or it may be engaged in at that time, and it is hereby made the duty of the sheriff upon the receipt of said list, to notify such person, firm or corporation named therein, that such license is due the State and county, giving the amount thereof, and calling upon him to pay the same. And if said license is not paid within three days thereafter, together with all costs and penalties, it is made the duty of the sheriff to arrest the person, or the officers or agent of any corporation so liable for such license, and to prefer charges against such person, firm or corporation in a court of competent jurisdiction, for doing business without a license. For his services rendered under this section, each sheriff shall be allowed a fee of three dollars, and the same shall be added to the amount of the license, and in case of a criminal prosecution and conviction thereunder, the said fee shall be taxed as part of the cost of the case.

Sec. 18. The provisions of this act fixing the amounts, and **subjects** of license taxes, except as to such licenses as now expire on September 30th, 1915, shall go into effect on the first day of January, 1916; all licenses heretofore taken out and which expires on the 30th day of December of this year, shall entitle the holder to conduct a business therein licensed until the expiration of such license, unless said business has been prohibited by law, and all licenses which may be issued after the passage of this act during the present calendar year, shall be charged and collected for at the rate in effect at the time of the passage of this act, and all such licenses so issued shall expire on the last day of December, 1915. On the first day of January, 1916, there shall be charged and collected for the period of time beginning on said date, and ending on the 30th day of September, 1916, from each person, firm or corporation, who shall engage in or carry on any business, occupation, profession, or calling, or who shall exercise any privilege, or do any act for which a license shall be required by the terms of this act, three-fourths of the license herein provided. After

September 30th, 1916, all licenses shall be taken out for the full period of one year, and shall expire on the 30th day of September thereafter unless a shorter time or a different expiration is fixed by this act. If any business licensed by this act shall commence after the first day of April in any year, the amount of the license shall be one-half of the year's license. In all other cases, the license shall be taken out for the full term of one year, unless a shorter term is fixed by the provisions of this act. In all cases where the amount of license is rated according to the population of the town, city or county, the population of such town, city or county, as fixed by the last preceding United States census shall govern.

Sec. 19. The provisions of this act fixing the license tax on automobiles, motor cars, motorcycles, or motor vehicles of all kinds shall go into effect on the first day of October, 1915.

Sec. 20. Where the word "person" is used in this act, it shall be held to include firms, companies, associations and corporations.

Sec. 21. Should any court declare any section or subdivision of this act unconstitutional, it shall not affect the remaining sections, or subdivisions, but the same shall remain in full force and effect.

Sec. 21½. In all counties where county officials are paid on a salary, instead of a fee basis, all fees allowed under the terms of this act to be paid to or collected by any such officials, shall, by said officials be paid to the treasury of said county or to such official performing the duties of county treasurer.

Sec. 22. All laws in conflict with the provisions of this act are hereby repealed, provided that all provisions of existing laws relating to taxation and revenue which are not in conflict with the provisions of this act are not hereby repealed. And section 36-F of "An act to further provide for the revenues of the State of Alabama, approved March 31st, 1911, be and it is hereby expressly repealed.

Approved September 14th, 1915.

AN ACT

To compel the attendance at school of children within certain ages in the State of Alabama; to fix exceptions to such provisions; to provide means for the enforcement of this act; to require reports from private or parochial schools; to make it unlawful for any parent, guardian, or other person occupying the place of parent, to violate the provisions hereof; to make it unlawful for any person, firm, corporation, or association to employ any child in violation of the provisions of this act; and to fix punishments and penalties for the violations of this act.

Be it enacted by the Legislature of Alabama:

1. That on and after the first day of October, 1917, every parent, guardian, or other person in the State of Alabama having control or charge of any child or children between the ages of eight and fifteen years inclusive, shall be required to send such child or children to a public school or to a private, denominational, or parochial school taught by a competent instructor, and such child or children shall attend school for at least eighty days during each and every scholastic year; provided, that the county board of education, or in the case of an incorporated city or town, the city or town board of education, shall have power to reduce the period of compulsory attendance to not less than sixty days for any individual school; provided further, that the period of compulsory attendance for each school shall commence at the beginning of the school, unless otherwise ordered by the county board of education or by the board of education of an incorporated city or town, as the case may be.

2. That any or all children who have completed the elementary course of study of seven grades or the equivalent thereof, shall be exempt from the provisions of this act, and in case there be no public school within two and one-half miles by the nearest traveled road of any person between the ages of eight and fifteen years inclusive, he or she shall not be subject to the provisions of this act unless public transportation within reasonable walking distance is provided; provided further, that the teacher of any school, with the approval of the attendance officer, shall have the authority in the exercise of a sound discretion to permit the temporary absence of children from the school, between the ages of eight and fifteen years inclusive, in extreme cases of emergency or domestic necessity.

3. That any or all children who are physically or mentally incapacitated for the work of the school are exempt from the provisions of this act, but the school authorities shall have the

right and they are hereby authorized when such exemption under the provisions of this act is claimed by any parent, guardian, or other person having control of such child or children, to require from a practicing physician a properly attested certificate that such child or children should not be required to attend school for some physical or mental condition which renders his attendance impractical or inexpedient.

4. That in any cases where because of extreme poverty, the services of such child are necessary for his own support or the support of his parents, as attested by an affidavit of said parents and such witnesses as the attendance officer hereinafter provided for may require, or in any case where such parent, guardian, or other person having control of the child, shall show before any justice of the peace by affidavit of himself and of such witnesses as the attendance officer hereinafter provided for may require, that the child is without necessary books and clothing for attending school and that he is unable to provide the necessary books and clothes, then said child may be excused from the provision of this act until, through charity or other means, books and clothing shall have been provided, and thereafter the child shall no longer be exempt from such attendance.

5. That the county boards of education shall divide their respective counties exclusive of all cities and towns, into not less than one or more than five attendance districts, and said board shall appoint an attendance officer for every district created, who shall hold his office at the will of the county board of education, and the boards of education of all cities and towns shall appoint one or more attendance officers for their respective cities and towns to serve at the pleasure of the appointing board.

6. That at the beginning of the annual period of compulsory attendance, the State superintendent of education or the county superintendent of education, as the case may be, shall supply to each principal teacher in each school a list of all children between the ages of eight and fifteen years inclusive, who shall attend such school. At the end of the fifth day of the compulsory attendance period of any school, the principal teacher shall report to the attendance officer of the attendance district, the names and addresses of all persons between the ages of eight and fifteen years, inclusive, who have not enrolled in said school, and throughout the compulsory attendance period, the principal teacher of each school shall report to the attendance officer of the attendance district the names and addresses of all pupils between the ages of eight and fifteen years, inclusive,

who are absent for five consecutive days and whose absence is not satisfactorily explained by the parent, guardian, or other person having control of the child.

7. That it shall be the duty of the attendance officer to investigate all cases of non-enrollment and non-attendance reported to him in accordance with section 6. In all cases investigated where no valid reason for non-enrollment or non-attendance is found, it shall be the duty of the attendance officer to give written notice to the parent, guardian, or other person having control of the child, and in the event of the absence of the parent, guardian, or other person having control of the child, from his or her usual place of residence, the attendance shall leave a copy of the notice with some person over twelve years of age residing at the usual place of residence, with instructions to hand such notice to such parent, guardian, or other person having control of such child, which notice shall require the attendance of said child at such school within three days from date of said notice.

8. That if within three days from date of service of the notice, the parent, guardian, or other person having control of the child, does not comply with the provisions of this act, then the attendance officer shall make complaint in the name of the State of Alabama against such parent, guardian or other person having control of such child, in a court of record of such county, which court is hereby clothed with jurisdiction over all offenders and the proceedings under this act, with full power to hear and try all complaints, impose fines, enforce their collection, by imprisonment if necessary, and fully execute the provisions of this act.

9. That it shall be unlawful for any merchant, corporation, company, or other person, without the written permit of the county board of education or the board of education of any incorporated city or town, as the case may be, to employ during school hours any child between the ages of eight and fifteen years, inclusive, unless such child is exempt under the provisions of sections 2, 3, or 4 of this act; provided, that any parent, guardian, or other person having control of such child delinquent in school attendance, or any merchant, corporation, company, or other person violating the provisions of this act, shall be guilty of a misdemeanor and shall be fined in a sum not less than five dollars nor more than fifty dollars, and may be committed to the county jail for a term not to exceed thirty days; provided, that all fines collected shall be paid into the county treasury; provided further, that it is hereby made the duty of

all city attorneys in their respective cities, and all county and circuit solicitors for the districts of their respective counties and for such incorporated cities and towns as do not employ a city attorney, to prosecute all complaints filed and actions brought under this act.

10. All school officers, including those in private, denominational, or parochial schools in this State, offering instruction to pupils within the compulsory attendance ages, are hereby required to make and furnish all reports that may be required by the State superintendent of education and by the county superintendent of education or by the board of education of any incorporated city or town, with reference to the workings of this act. Every teacher employed in the public schools of the State of Alabama is hereby required, before receiving each month's salary, to make a report to the county superintendent of education, or to the superintendent or principal of an incorporated city or town in which he may be employed, showing the names and addresses of all pupils who have been truant or habitually absent from school during the previous month, and stating the reasons for such truancy or habitual absence, if known; provided, that all such cases of said truancy shall be brought to the notice of the attendance officer by the county superintendent or by the superintendent or principal of the school in any incorporated city or town, as the case may be, and the same shall be investigated by said officer.

11. That in case that any pupil has become habitually truant or a menace to the best interests of the school which he is attending or should attend, then it shall be the duty of the attendance officer to report such fact and condition to the parent, guardian, or other person having control of such child, who shall be held liable under the provisions of this act for the regular attendance and good conduct of such child, unless such parent, guardian, or other person having control of such child shall state in writing to the attendance officer that he or she is unable to control such child, whereupon said attendance officer shall proceed against such incorrigible pupil as a disorderly person before a court of competent jurisdiction, and said child upon conviction may be sentenced, if a white boy, to the Alabama Boys' Industrial School; or if a white girl, to the Mercy Home and Industrial School; or if a negro boy, to the Alabama Reform School for Juvenile Negro Law-Breakers; or if a negro girl, to such custodial institution in the State as the judge may designate, and for such time as the court may decide; provided, that the maintenance of such child in the in-

stitution shall be paid as the law provides for the maintenance of such as are committed to the aforesaid institutions, and in all cases where a child is so committed, it shall be placed in charge of some suitable person designated by the court and conveyed under his direction to the designated institution, and the actual necessary expenses thereby incurred shall be paid by the board of county commissioners or the county board of revenue; provided, that a woman shall always be sent to accompany girls so committed.

12. That the attendance officer, whose appointment is by this act provided for, shall keep an accurate record of all notices served, all cases prosecuted, and all other services performed, and shall make an annual report of the same to the county board of education, or in the case of an incorporated city or town, to the city or town board of education by whom he is employed. Said attendance officers who are appointed by the county board of education shall receive from the county treasury not more than three dollars for each day of actual service, and the attendance officers appointed by the board of education of any incorporated city or town shall receive from the treasury of said city or town not more than three dollars for each day of actual service. Said attendance officers shall be paid as other employees of the county or of the incorporated cities or towns, as the case may be, are paid; provided, that no attendance officer shall receive any compensation under the provisions of this act until he shall have filed an itemized statement of the time employed in such service and until the same shall have been certified to by the county superintendent of education or by the secretary of the board of education in an incorporated city or town, as the case may be, in which said attendance officer is employed, provided further, that no attendance officer shall be paid for more days service in any one year than the number of days the school is in session that year.

13. That in order that the provisions of this act may be more definitely enforced, the county superintendent of education shall, not later than ten days before the compulsory attendance term, furnish to each principal teacher of a rural school, and to the superintendent or principal of the school or schools in any incorporated city or town, a list of all the children from eight to fifteen years of age, inclusive, who should attend the school or schools under the charge of the said principal teacher of a rural school, or of the superintendent or principal of a school or schools in any incorporated city or town, as the case may be, giving the name, date of birth, age, sex, race,

and estimated distance from the school house by the nearest traveled road, the name and address of parents, guardian, or other person in parental relationship.

14. That the information required under section 13 shall be prepared by the county superintendent of education during the even numbered years, from the census booklets on file in his office, and in the odd numbered years, it shall be prepared by the county superintendent of education by correcting and supplementing the list prepared and furnished by him the preceding year; and to this end the district trustee or trustees of any rural school, and the secretary of the board of education in any incorporated city or town, shall furnish to the county superintendent of education on or before the fifteenth day of August of each odd numbered year, a list of all pupils who have removed from the bounds of the school or schools, as the case may be, and an additional list giving the name, date of birth, age, sex, race, and estimated distance from the school house by the nearest traveled road, and the name and address of the parent, guardian, or other person in parental relationship of those pupils who have moved within the bounds of the school or have become eight years of age since the last school census.

Approved September 15, 1915.

No. 471.)

(H. 383—Yarbrough.

AN ACT

To appropriate five hundred and twenty-six dollars and thirty-five cents (\$526.35) to pay rent due by the State for premises used by the State pasteur institute.

Section 1. *Be it enacted by the Legislature of Alabama,* That the sum of five hundred and twenty-six dollars and thirty-five cents (\$526.35), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State treasury not heretofore appropriated, for the payment of rent due by the State for premises heretofore used and occupied by the State pasteur institute.

Sec. 2. The State health officer shall certify to the Governor the amount due for said rent, and to whom due, and thereupon the Governor is hereby authorized to direct the auditor to draw his warrant upon the State treasurer therefor; payable to

the party to whom the same is due and said warrant shall be paid out of the funds appropriated by section one hereof.

Approved September 21, 1915.

No. 472.)

(H. 879—Brindley.

AN ACT

To appropriate the sum of one hundred dollars (\$100.00) to Reuben A. J. Cumbee of Etowah county, Alabama, an ex-Confederate soldier, as a pension for the year 1913, and to direct the State auditor to draw his warrant therefor in favor of Reuben A. J. Cumbee, and to direct the State treasurer to pay the same.

Be it enacted by the Legislature of Alabama:

1. That the sum of one hundred dollars (\$100.00) be and the same is hereby appropriated to Reuben A. J. Cumbee, of Etowah county, Alabama, as a pension for the year 1913, from the State of Alabama, the application of the said Reuben A. J. Cumbee therefor having been rejected because of the technical insufficiency of his proof.

2. That the State auditor is hereby authorized and directed to immediately draw his warrant upon the State treasurer in favor of Reuben A. J. Cumbee for one hundred dollars, and the State treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

Approved September 17, 1915.

No. 473.)

(H. 744—Hudson.

AN ACT

For the relief of Miss Mary McIntyre, and to appropriate and pay to her the sum of thirteen hundred dollars.

Section 1. *Be it enacted by the Legislature of Alabama,* That the sum of thirteen hundred dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to be paid to Miss Mary McIntyre for rent of house for health department from June 1st, 1911, to October 1st, 1915, at the rate of twenty-five dollars per month, and the auditor is authorized to draw his warrant on the treasurer in favor of Miss Mary McIntyre for said amount.

Approved September 18, 1915.

No. 477.)

(H. 1180—Darden.

AN ACT

To provide for the recovery of damages caused by rabid dogs.

1. That the owner, or person in charge, of any dog, who knows that such dog has been bitten by a rabid dog, or has knowledge of such facts that if followed up would disclose the facts that such dog has been bitten or exposed to a rabid dog, and such dog becomes a rabid dog and bites any person, stock, hogs, or cattle, shall be liable to twice the damages sustained by the person injured, including pastuer treatment, which may be recovered in any court of competent jurisdiction.

Approved September 15, 1915.

No. 479.)

(H. J. R. 227—Rogers of Sumter.

HOUSE JOINT RESOLUTION.

House Joint Resolution conveying to Miss Julia S. Tutwiler expressions of sympathy and esteem. Resolved by the House and the Senate that the following message be sent to Miss Julia Tutwiler, and that it be engraved on parchment and transmitted to her through the office of the Governor of the State. To Miss Julia S. Tutwiler—GREETINGS:

In your afflictions you have our deepest sympathy. Our prayers are joined with the prayers of the thousands in this State to whom your life is a benediction. We beg our Heavenly Father that it may be spared for a long, long time, a continued blessing to our country. A great teacher: You teach a love of learning, both for its beauties and the power it adds to give help to others. By precept and example you inculcate tolerance—a tolerance that does not condemn or praise opinions for opinion's sake, but that recognizes and exalts that which is good and noble in whomsoever found. You have immolated self on the Altar of Sacrifice, giving up the pleasures of home and of family to become a mother to the widow and the orphan. A friend to humanity, you champion the cause of the lowly, and have constantly and persistently worked for the relief of the poor, the unhappy and the oppressed.

Approved September 14, 1915.

No. 480.)

(H. 1013—Stough.

AN ACT

To amend section 556 of the Code of Alabama.

Be it enacted by the Legislature of Alabama, That section 556 of the Code of Alabama be amended so as to read as follows: 556, (1959) (59) (58) (60) Recording secretary and his salary. He may employ a recording secretary at an annual salary of eighteen hundred dollars, payable as the salaries of other State officers.

Approved September 14, 1915.

No. 481.)

(H. 1350—Vaughan.

AN ACT

To authorize and direct the State treasurer to pay to the Alabama Machinery & Supply Company, four hundred thirty-three and 22/100 (\$433.22) dollars, for merchandise sold and delivered to the convict department of Alabama, upon orders from the officers of said departments, and for the State capitol ordered by O. E. Courtney, superintendent, and for which it has not been paid.

Be it enacted by the Legislature of Alabama:

That the State treasurer be, and he is hereby authorized, empowered and directed to pay to the Alabama Machinery & Supply Company of Montgomery, Alabama, four hundred thirty-three and 22/100 (\$433.22) dollars, for merchandise sold and delivered by it to the convict department of the State of Alabama, consisting of an invoice of fifteen and 55/100 (\$15.55) dollars, dated November 16, 1909; an invoice of seventeen and 64/100 (\$17.64) dollars, dated June 11, 1910; an invoice of two hundred forty-one and 70/100 (\$241.70) dollars, dated July 14, 1910; an invoice of fifty and 14/100 (\$50.14) dollars, dated September 19, 1910; an invoice of thirty-two and 95/100 (\$32.95) dollars, dated July 24, 1911; and also the sum of seventy-five and 24/100 (\$75.24) dollars, for material furnished to capitol building upon orders from O. E. Courtney, superintendent. And the sum of four hundred thirty-three and 22/100 (\$433.22) dollars is hereby appropriated out of the funds which are now or may hereafter be in the possession of said State treasurer, and not otherwise appropriated, for the purpose of making said payment and the State auditor is hereby authorized

and directed to draw his warrant on the State treasurer for said sum of \$433.22. "Or so much thereof as is ascertained by the commission hereinafter provided."

"Section 1. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated."

Approved September 15, 1915.

No. 482.)

(H. 1342—Hudson.

AN ACT

To appropriate the sum of \$76.62 to be paid to the Kennedy Company of Montgomery, Alabama, as payment of the purchase price of a bill of goods bought from the said The Kennedy Company by the State of Alabama for the purpose of making repairs in the State capitol building, which said purchase price has never been paid.

Section 1. *Be it enacted by the Legislature of Alabama,* That the State auditor of Alabama is hereby authorized and required to draw his warrant upon the treasury of Alabama in favor of The Kennedy Company, of Montgomery, Alabama, for the sum of \$76.62, and the treasurer of the State of Alabama shall pay said warrant out of any moneys in the State treasury not otherwise appropriated.

Sec. 2. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the Governor as to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 15, 1915.

No. 483.)

(H. 1279—Hudson.

AN ACT

To appropriate the sum of \$20.25 to be paid to the Loeb Hardware Company of Montgomery, Alabama, as payment of the purchase price of a bill of goods bought from the said Loeb Hardware Company by the State of Alabama for the purpose of making repairs in the State capitol building, which said purchase price has never been paid.

Section 1. *Be it enacted by the Legislature of Alabama.* That the State auditor of Alabama is hereby authorized and required to draw his warrant upon the treasury of Alabama in favor of the Loeb Hardware Company of Montgomery, Alabama, for the sum of \$20.25, and the treasurer of the State of Alabama shall pay said warrant out of any moneys in the State treasury not otherwise appropriated. Or so much thereof as is ascertained by the commission hereinafter provided.

Sec. 2. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 15, 1915.

No. 484.)

(H. 1392—Welch.

AN ACT

To amend section 133 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That section 133 of the Code of Alabama of 1907 be and the same is hereby amended so as to read as follows: 133. The court of county commissioners and boards of revenue of the respective counties shall erect courthouses, jails, and hospitals, and other necessary county buildings; and such courts and boards have authority to levy a special tax for that purpose; provided, that in counties in which a circuit court or court of like jurisdiction has been or is hereafter authorized to be held in more than one place, the court of county commission-

ers or board of revenue may build court houses in each place of holding court, and in all counties wherein a circuit court or court of like jurisdiction is authorized to be held or may hereafter be authorized to be held in more than one place for six months or more during any year the court of county commissioners or boards of revenue of such counties are hereby authorized directed and required to erect a courthouse and jail at each of such places where such court is held such courthouses and jails to be adequate and commodious for the business of such court and county at such place, provided the construction of no courthouse under the next preceding clause hereof, shall be required hereby to be begun prior to July 1, 1917, but this section shall not affect in any wise any local law heretofore enacted that is not in conflict herewith.

Approved September 15, 1915.

No. 485.)

(H. 1437—Hudson.

AN ACT

To appropriate the sum of \$1,496.57, to be paid to the Mercantile Paper Company, a corporation, in payment of debts due said corporation by the State of Alabama, for stationery and office supplies, contracted prior to January 1st, 1915, by the following departments of State for the following amounts: Alabama National Guards, \$347.90; attorney general, \$86.20; State banking, \$47.00; Alabama Appellate Court, \$68.00; education, \$150.00; immigration, \$39.25; land agent, \$206.30; examiner public accounts, \$35.50; State board of health, \$139.55; State prison inspector, \$2.10; Governor's office, \$218.85; State tax commission, \$155.92.

Section 1. *Be it enacted by the Legislature of Alabama.* That the sum of \$1,496.57 is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to be paid to the Mercantile Paper Company, a corporation, in payment of the following debts due said corporation by the State of Alabama, contracted prior to January 1st, 1915, for stationery and office supplies, by the following departments of State: Alabama National Guards, \$347.90; attorney general, \$86.20; State banking, \$47.00; Alabama Appellate Court, \$68.00; education, \$150.00; immigration, \$39.25; land agent, \$206.30; examiner public accounts, \$35.50; State board of health, \$139.55; State prison inspector, \$2.10; Governor's office, \$218.85; State tax commission, \$155.92.

Sec. 2. That the State auditor be and he is hereby authorized and directed to draw his warrant on the State treasurer in

favor of said Mercantile Paper Company for the said sum of \$1,496.57 in payment of said debt. "Or so much thereof as is ascertained by the commission hereinafter provided."

"Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated."

Approved September 15, 1915.

No. 486.)

(H. 1365—Hudson.

AN ACT

To appropriate the sum of five hundred thirty-eight and 25/100 dollars for the relief of the Montgomery Light & Water Power Company, for lights furnished to the capitol building, up to February 1, 1915.

Section 1. There is hereby appropriated, out of any moneys in the treasury, not otherwise appropriated, the sum of five hundred thirty-eight and 25/100 dollars, to be paid to the Montgomery Light & Water Power Company for the lights furnished the capitol building, up to February 1, 1915.

Sec. 2. The moneys appropriated by section 1, of this act shall be paid upon warrant issued as provided by law, and approved by the Governor. Or so much thereof as is ascertained by the commission hereinafter provided.

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 15, 1915.

No. 487.)

(H. 218—Chamberlain.

AN ACT

To provide a limitation in which proceedings to charge lands for the payment of debts of a decedent must be instituted, so far as the same applies to the rights of bona fide purchasers for value from the heir, or devisee.

Section 1. *Be it enacted by the Legislature of Alabama,* That the real estate of persons dying testate or intestate shall, as against the rights of bona fide purchasers for value from the heirs of devisees, be forever discharged from the payment of all legal and equitable debts and obligations, unless the persons owing said debts, or benefitted by said obligations, shall, within the time allowed by section 2590 of the Code, but in no event more than two years from the death of the deceased, filed in the probate court of the county where said property is located, a verified claim, showing the nature and amount of said debts and obligations. And wherever there has been no executor or administrator appointed, then the person owning said debt or benefitted by said obligation must, within three months after filing said claim, cause letters testamentary or of administration to be issued and proceed to subject said land to said debts or obligations. Provided, however, that this act shall not apply to any lien which is expressly created or reserved in any conveyance which may be duly recorded in the probate court, or probate office in the county in which the land is situated so as to give notice of said conveyance, or to any judgment recorded under section 4156 of the Code, and provided further that this act shall not apply to any liens to secure the payment of taxes, or liens arising out of the signing of any bond by any public official.

Sec. 2. This act shall apply to and govern both courts of law and courts of equity, whether the claim asserted be legal or equitable debts or obligations.

Sec. 3. All laws and parts of laws, in conflict with the provisions of this act are hereby repealed, provided, however, that this act shall not affect section 2801 of the Code in so far as relates to claims against the heir, legatee or devisee.

Approved September 15, 1915.

No. 488.)

(H. 101—Griffin.

AN ACT

To require all county solicitors, all circuit solicitors, any solicitors of any court of record to give opinions to all county officials in all matters connected with their offices, except in suits against official bonds.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this bill, that all county solicitors, all circuits solicitors, and any solicitor of any court of record, are hereby required, and it is made a duty upon them, to give every county official, opinions in writing on all matters connected with their respective offices, except in suits against official bonds.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this bill are hereby repealed.

Approved September 15, 1915.

No. 489.)

(H. 1367—Bealle.

AN ACT

To authorize courts of county commissioners, or other like boards, to expend money for the purpose of improving the sanitary conditions of their counties by laying trunk lines of sewers and constructing sewage disposal plants in localities contiguous to thickly populated communities, and to prescribe the terms on which connection with such sewers may be made.

Be it enacted by the Legislature of Alabama:

That the court of county commissioners, or other like board, of any county shall be authorized to expend money for the purpose of improving the sanitary conditions of their counties by laying trunk lines of sewers and constructing sewage disposal plants in localities contiguous to thickly populated communities, and to prescribe the terms on which the owners of houses, or householders, may connect with such lines of sewers, provided that no such lines of sewers shall be laid without the written approval of the executive officer of the State board of health, such approval to be based on the belief that the laying of any proposed line will materially improve health conditions.

Approved September 15, 1915.

AN ACT

To provide for and require all county officers of all counties in Alabama now having or which may hereafter have, a population of as much as one hundred and fifty thousand people according to the last Federal census, or any such census which may hereafter be taken, to install, equip and maintain, in addition to their offices at the county sites of such counties, officers at each other place in such counties where a circuit court or court of like jurisdiction is now authorized by law to be held, or where such court may hereafter be authorized by law to be held, for the transaction of all business pertaining thereto, that may arise in or be connected with that part of such county within which the cases arising therein, may be tried in such circuit court or court of like jurisdiction at such place, to provide for the selection, qualification and compensation and fix the powers and duties of the deputies of the respective officers of such counties, to act for and assist such officers in the discharge of their duties in connection therewith, to fix the duties of the respective county officers of such counties with reference thereto; to provide equipment for such offices, including stationery, records, books, dockets, furniture, filing cases and other equipment for such offices, similar to that kept in the respective offices of such counties at the county site; to prescribe the business of the respective offices and officers of such counties that shall be transacted at such places; to prescribe and regulate the instruments recorded thereat, and to otherwise provide for the installation, equipment and maintenance of such offices and officers at such places for the transaction of all business pertaining to such offices and officers that may arise within such territory of such counties.

Be it enacted by the Legislature of Alabama:

Section 1. All county officers of all counties in Alabama, which now have, or which may hereafter have a population of as much as one hundred and fifty thousand people, according to the last Federal census, or any such census, which may hereafter be taken, in which a circuit court, or court of like jurisdiction is now authorized to be held at a place other than at the county site of such counties for the trial of cases and transaction of business relating thereto, arising within a designated portion of such county, or in which such court may hereafter be authorized by law to be so held, are hereby authorized, directed and required, in addition to their respective offices at the county sites of such counties, to install, keep and maintain offices, as in this act provided, at such place other than at the county sites of such counties for the transaction of all business, executive, ministerial and judicial pertaining to such county offices and officers that arise within the territory within which the cases arising therein may be tried in the circuit court or court of like jurisdiction, held at such place other than at the county site of such counties.

Sec. 2. That all business pertaining to the respective county offices and officers of such counties that arises within the territory within which the cases arising therein may be tried in the circuit court or court of like jurisdiction, held at a place other than at the county site of such counties, shall be transacted at such offices by such officers at such place of holding the court, and all records made thereat shall be kept there, and not elsewhere.

Sec. 3. That there shall be kept at such offices all records papers and books in all respects similar to the records, papers and books that are required to be kept or may be kept by such officers at their respective offices at the county site.

Sec. 4. That all papers, documents and other things pertaining to the title to property that are authorized to be filed and recorded in any office in such county are hereby authorized and required to be filed and recorded in such offices of such officers at such place other than at the county site, as in this act provided for, if the property, affected thereby, or sought to be affected thereby is located within, or partly within the territory within which the cases arising therein may be tried in the circuit court or court of like jurisdiction at such place; provided, however, if such property is located partly within such territory, and partly within the remaining territory of such county, then such instrument, document or paper must be filed and recorded both in the office at the county site, and in such office at such place other than the county site as herein provided for, provided, further, that if such property is located partly within the territory herein provided for, and partly within some other county, then such instrument, document or paper may be recorded at the place herein provided for, and also in the proper office in the other county. Such records in either of the events in this section provided for shall operate in all respects just as though the same had been filed and recorded in the offices of the respective officers in the county site of such county. All such records so made shall be kept at the place herein provided for, and not at the county site. Provided that the deputy or officer in charge of such office shall, at the close of each day, make out and mail to the office at the county site, an abstract of all papers filed during that day affecting the title to property, which abstract shall state the character of the instrument, the names of the person or persons mentioned therein, the description of the property affected thereby, the date thereof, and the consideration, and the probate judge shall keep a record of such abstracts at the county site.

Sec. 5. The respective officers of such counties are hereby authorized, directed and required to appoint deputies, who shall, at the time of their appointment and during their term of office be qualified electors residing within the territory from which the business comes that is to be transacted at such place, and who shall at all times be in charge of the offices of their principals at such place as is herein provided other than at the county site of such counties, and who are hereby authorized to discharge all ministerial duties, and perform all acts of their principal that could be performed by their principals that are not strictly and exclusively non-delegable, and for all such acts herein provided for, shall be responsible on his official bond. All such officers are hereby required, before permitting such deputies to enter upon the discharge of their duties; to require such deputies to take and subscribe to an oath in all respects similar to that taken by their principal, and to enter into bond in the sum of not less than two thousand nor more than ten thousand dollars, to be fixed by their principal, and made payable and conditioned as the bond of their principal is now required by law to be payable and conditioned. Such bond to be approved by the principal of such deputy. In the event of any liability for any act of such deputy, such deputy's bond is primarily liable for such act, and suit may be brought against him on his bond by any person damaged, but if his principal is held liable therefor, then such deputy's bond shall be liable as indemnity for the principal. All such bonds when approved by the respective officers, shall be filed with the treasurer of the county, if there be a treasurer, or, if there be no treasurer, then such bond, shall be filed with and kept by the clerk of the circuit court, or deputy of the circuit clerk at the place where such deputy's service is to be rendered. Such deputy's oath of office shall also be filed in the same manner as his bond. The salary or compensation of such deputy shall if the officer whose deputy he is, is paid fees for his compensation, be fixed by such officer and paid by him, but if such officer is on a salary, then the salary or compensation of such deputy shall be fixed by the board of revenue or court of county commissioners of such county, and his compensation shall be paid out of the county treasury on the order or warrant of such officer, but in no event shall the compensation or salary of such deputy be in excess of the compensation or salary of his principal.

Sec. 6. All the equipment for such offices, including all stationery, papers, furniture, filing cases and books shall be furnished and paid for in the same manner, and from the same

source, as the equipment, stationery, furniture, books and papers, filing cases and supplies for the respective offices at the county site of such counties and shall, in all respects be similar thereto.

Sec. 7. All records in this act provided for may be certified to in the same manner, and shall have the same effect as similar records at the county site of such counties, and the deputies herein provided for are hereby authorized to make such certifications in his own name and when so done they shall have the same legal effect as if certified by his principal.

Sec. 8. The purpose of this act is declared to be to provide fully for the transaction of all business pertaining to the respective county offices and officers of such counties that arises within the territory within which the cases arising therein may be tried in such circuit court or court of like jurisdiction held at such place other than at the county site to be transacted at such place of holding court, and not at the county site of such counties. It is further declared to be the purpose of this act to provide, in all counties of the population affected by this act, or that may, hereafter, have such population, according to the Federal census as provided for herein as to fall within its influence, when there is in such county a circuit court or court of like jurisdiction authorized to be held at such place other than at the county site, all of the conveniences of the county offices and officers of counties at such place, to transact all the business pertaining to such offices and officers that arises within the territory from which cases that may be tried by such courts at such place, and for such business transacted by such officers in offices provided for at such place, and this act is intended to become effective as to all counties that may hereafter come up to the requirements of this act. This act shall be liberally construed so as to affect its purpose.

Sec. 9. The court of probate of such counties must be held at such place on the fourth Monday in each month, and the judge of such court may hold special or adjourned terms, whenever necessary for any special purpose, and such court must, at all times be considered open at such place except on Sundays with authority to do all things needful in relation to granting letters testamentary, administration or guardianship, and all matters pertaining thereto, as well as to bind out apprentices, and to make all necessary orders, which are grantable as a matter of course. The board of revenue or court of county commissioners, or other like bodies of such counties, shall hold sessions at such places on the third Mondays in January, April, July and

October of each year. And such boards of revenue or courts of county commissioners or other like bodies of such counties may hold special or adjourned terms at such place at any time when necessary for any special purpose or for the transaction of the business of such boards of revenue or courts of county commissioners or other like bodies in such counties shall keep deputies or clerks at such places at all times except Sundays as may be necessary for the transaction of all business pertaining to the business of such offices at that place as may be transacted in the absence of such board of revenue or court of county commissioners or other like board.

Sec. 10. That if any section or provision of this act is held to be unconstitutional, such fact shall not affect any other provision of this act that is not in itself unconstitutional.

Sec. 11. That all laws and parts of laws local, general or special in conflict with the provisions of this act are hereby repealed.

Approved September 16, 1915.

No. 491.)

(S. 857—Bonner.

AN ACT

To further suppress the evils of intemperance; to restrict the consumption, receipt, possession and delivery of spirituous, vinous, malted, fermented, or other intoxicating or prohibited liquors and beverages; prescribing procedure in defined cases, and fixing punishment and penalties.

Be it enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any common, or other carrier, or any other person to deliver to any person any shipment of spirituous, vinous, malted, fermented, or other intoxicating or prohibited liquors, whether in non-prohibited shipments, or otherwise, or whether brought from without the State, or otherwise, or whether in original packages, or otherwise, on any Sunday, or on any day before six o'clock A. M., and after five o'clock P. M.

Sec. 2. In order to prevent frauds upon the law which have been practiced, and to assure the delivery of liquors in non-prohibited quantities, and under non-prohibited conditions by carriers, or others, to be made only to bona fide consignees, or to another upon their genuine orders, it is hereby enacted that when a written order is presented to a carrier, or its delivering

agent purporting to have been given by the consignee for the delivery to the person named in the written order, of liquors of the kind respectively, as named in section 1 of this act, delivery may be made, if otherwise legal, upon the following terms, and not otherwise: (1) If the carrier or its delivering agent from familiarity with the handwriting of the consignee, knows the signature of the order to be genuine; or (2) if the signature thereto be attested by any one of the following officers in the county: a circuit clerk, probate judge, sheriff, or other circuit judge, justice of the peace, notary public, city marshal, chief of police, city recorder or a postmaster.

Sec. 3. (A) That it shall be unlawful for any person to receive, accept delivery of, possess or have in possession at one time, or within any period of fifteen consecutive days, whether in one or more places, or whether in original packages or otherwise, (1) more than two gallons of vinous liquors, or (2) more than five gallons (forty pints) of malted liquors or fermented liquors, such as beer, lager beer, ale, porter or other similar fermented liquors, either in bottles or other receptacles; or (3) more than two quarts of spirituous or other intoxicating liquors, or other prohibited liquors beyond those named in subdivisions 1 and 2 above; or (4) more than one kind of the three kinds of liquors as hereinabove classified, either at one time, or within said period of fifteen days, and whether in original packages, or otherwise. (B) The receipt or possession of the liquors mentioned in this section in excess of the quantities above named respectively at one time, or in fifteen consecutive days, and whether in original packages, or otherwise, and the receipt and possession under the same circumstances of more than one kind of the three kinds of liquors as hereinabove classified, shall constitute prima facie evidence that such liquors are kept, or had in possession for sale, or other unlawful disposition. This section shall not apply to the possession of wine, or cordial made from grapes, or other fruit grown and raised by the person making the same for his own domestic use, when such person keeps such wine or cordial for his own domestic use on his own premises; and this section shall not apply to the receipt or possession of alcohol by persons who are permitted by law to possess, sell, or use the same, nor to the receipt or possession of wine for sacramental purposes when received and possessed in accordance with the rules and regulations prescribed by law. This section is not to be construed so as to admit of the receipt, delivery, or possession at one time, or within the said period above named, or more

than one kind of the three classes of liquors as above set out, to-wit: (1) vinous liquors; (2) malted or fermented liquors above defined; (3) spirituous liquors, or other intoxicating or prohibited liquors.

Sec. 4. That it is hereby made unlawful to deliver any of the liquors mentioned in section 1 of this act, to or for account of any firm, partnership, corporation or association of persons; or for any person for and on account of the same, to receive, or possess any of the said liquors and beverages, it being the general policy of this State to require under non-prohibited conditions, that such liquors shall be delivered to and possessed by individuals only, and for personal or domestic consumption. This section does not apply to alcohol when received or possessed according to law, or wines that are shipped to druggists to be sold for sacramental purposes as authorized by law.

Sec. 5. That when more than one quart of the liquors mentioned in section 1 of this act, or prohibited liquors, is received or had in possession, it must be in bottles or receptacles of the capacity of not less than one quart, and when a quart or less is so received or possessed, it must be contained in one receptacle or bottle. Failure to observe these provisions, or either of them, shall constitute prima facie evidence that the said liquors are kept, or had in possession for sale, or other unlawful disposition; and it shall be unlawful to receive or possess the liquors in quantities mentioned in receptacles or bottles that do not conform to the above requirements; but this section shall not apply to malted or similar fermented liquors, such as beer, lager beer, ale, or porter.

Sec. 6. That this act is not intended to modify or repeal any section of an act of the present session of the Legislature known as the Bonner Anti-Shipping Law, becoming effective February, 1915, except as to those portions that are in conflict with this act. Sections twelve (12) and thirteen (13) of said law, are intended to be superseded by section three (3) of this act, and section seventeen (17) thereof is intended to be superseded by section five (5) of this act. If any superseding section, or part thereof, shall fail to become operative, a corresponding section, or part of a section of the said Bonner Anti-Shipping Law shall remain in effect.

Sec. 7. That no property rights of any kind shall exist in prohibited liquors and beverages, vessels, fixtures, furniture, implements, or vehicles kept or used for the purpose of violating any law for the promotion of temperance or the suppression of the evils of intemperance, nor in any such liquors when

received, possessed, or stored at any forbidden place, or anywhere in a quantity forbidden by law; and in all such cases the liquors are forfeited to the State of Alabama and may be searched for and seized, and ordered to be destroyed under the rules now prescribed by law concerning contraband liquors, or by order of the judge of court after a conviction when such liquors have been seized for use as evidence.

Sec. 8. When any officer shall seize or take possession of any prohibited liquors and beverages in the enforcement of the law, he shall at once in writing make a return of his acts, with a statement of the quantity and kind of liquors to the court or magistrate that has or secures jurisdiction of the case; and when any such liquor is destroyed, delivered to any person, or otherwise disposed of, the officer acting in the matter shall in writing make a report of the facts to such court or magistrate.

Sec. 9. That wholesale druggists may sell alcohol in quantities not greater than five gallons at one time, to be used in the arts, or for scientific, or mechanical purposes, and for all sales of alcohol except wood and denatured alcohol, they must make and file with the probate judge of the county in which the vendee resides, or does business, a statement in regard to the sale of alcohol in the form and manner now required by law when sales are made by wholesale druggists. All regulations as to the sale and use of alcohol by druggists, or other authorized persons, including physicians who are dealers in drugs in towns of less than one thousand inhabitants, shall remain in effect except as hereby modified. Any wholesale druggist or other person violating any regulation hereby prescribed shall be punished as in other cases of violating the regulations as to alcohol under the existing laws. When such statement is filed in the county of the residence of the vendee, or in which the vendee does business, it need not be filed in the county of the vendor. For filing such statements containing sales made during the month to persons residing in or doing business in a county, and recording same, the probate judge shall receive a fee of twenty-five cents, as now prescribed by law for cases in which the statement is filed in the vendor's county.

Sec. 10. That when any minister, pastor, or priest of a religious congregation or church desires to have shipped from outside of the State, wine for sacramental purposes in the usual religious exercises of his denomination, he may apply to the judge of probate of the county for a permit stating the amount desired, during what period, and for what purpose, and said judge if satisfied of the good faith of the application, shall grant

a written permit to the applicant permitting the shipment of such amount as is shown to be reasonably necessary to be stated in the permit, for the time stated for such purpose, not to exceed five gallons at one time, which said permit is to be attached to the package when shipped into the State. The permit which is to be issued upon paying the probate judge fifteen cents for issuing same, may be used for only one shipment, and shall be void after twenty days from date. The carrier or party making delivery must keep a record of all such deliveries of wine for said purposes, subject to the conditions applicable to other shipments of liquor.

Sec. 11. That when any violation of this act, or any law for the promotion of temperance is threatened, or shall have occurred, the doing of, or continuation or repetition of the unlawful act, or any of like kind by the offending party, may be prevented by writ of injunction out of a court of equity upon a bill filed in all respects as in cases of liquor nuisances and of violation of the law against advertising liquor; in like manner the writ of injunction may be employed to compel obedience to any rule or regulation prescribed by any such law.

Sec. 12. That if for any reason any section, paragraph, provision, clause or part of this act shall be held unconstitutional or invalid, that fact shall not affect or destroy any other section, paragraph, provision, clause or part of the act not in and of itself invalid, but the remaining portion shall be enforced without regard to that so invalidated.

Sec. 13. No repeal, or superseding or modification of any existing law or ordinance resulting from this act, shall affect any existing right, remedy, defense or liability incurred, or any action or prosecution, civil or criminal, already commenced, or which may hereafter be commenced, for any offense already committed, or committed prior to the taking effect of this act, or any action or prosecution enforcing a right, penalty or punishment under such repealed, superseded or modified law or ordinance, and as to all such cases, the laws and ordinances in force at the time of the taking effect of this act, shall continue in force.

Sec. 14. That when an officer arrests any person in possession of an unlawful quantity or quantities of prohibited liquors, or of such liquors under conditions prohibited by law, then on the conviction of such party of a violation of a city ordinance or State law, whether in the recorder's court, or State court possessing jurisdiction, a fee for making the seizure of the liquors shall be taxed up against the defendant, and paid to such officer

as a part of the cost of the case, as follows: If a seizure is made of not more than five gallons of such liquors, the fee shall be three dollars; if the seizure be of more than five gallons, and less than twenty gallons, the fee shall be five dollars; and if more than twenty gallons be seized, the fee shall be ten dollars.

Sec. 15. That any common carrier, carrier or agent of either or other person violating any of the provisions of this act, or failing to comply with any requirements thereof, shall be guilty of a misdemeanor, punishable by a fine of not less than fifty dollars, nor more than five hundred dollars, to which at the discretion of the court or judge trying the case may be added imprisonment in the county jail, or confinement at hard labor for the county for not more than six months for the first conviction, and on the second and every subsequent conviction of a violation of any provisions of this act, the offense shall, in addition to a fine within the limitations above named be punishable by imprisonment in the county jail, or at hard labor for the county for not less than three, nor more than six months, to be imposed by the court or judge trying the case; and it shall be the duty of the solicitor or prosecuting attorney in all cases of indictment by the grand jury to ascertain whether or not the charge made by the grand jury is the first or subsequent offense, and if the latter, it shall be so stated in the indictment, and returned, and he shall introduce proper evidence before the trial court showing that it is a subsequent offense and shall not be permitted to use his discretion in charging said second offense, or in introducing evidence and proving the same on the trial.

Sec. 16. This act shall take effect from and after its final passage and enactment into law, the public welfare requiring it.

Approved September 25, 1915.

No. 492.)

AN ACT

(S. 426—Hill.

To pay Teague & Sons the sum of \$643.85, said sum being owed by the State, to Teague & Sons.

Section 1. *Be it enacted by the Legislature of Alabama,* That the auditor of Alabama is hereby authorized and required to draw a warrant upon the treasury of Alabama in favor of Teague & Sons, of Montgomery, Alabama, for the sum of \$643.85, and the treasurer of the State of Alabama shall pay said warrant out of the convict fund in the State treasury not otherwise expended.

Approved September 16, 1915.

No. 494.)

(S. 685—Thach.

AN ACT

To ratify, confirm and validate all payments heretofore made by county treasurers on warrants drawn by probate judges under supposed valid orders of courts of county commissioners, or boards of revenue and to ratify, confirm and validate all contracts and orders made by such court of county commissioners or boards of revenue and payments made by said boards or courts of county commissioners to aid in cattle tick eradication, but subsequently found to be illegal.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That all payments of warrants heretofore made by the county treasurer when such warrants were drawn by probate judges in accordance with orders of the courts of county commissioners or boards of revenue and payments made by said boards or courts of county commissioners to aid in the work of cattle tick eradication, and which orders were supposed to be legal, but were subsequently found to be illegal, are hereby ratified, confirmed and validated as though the same had been drawn originally on valid orders of courts of county commissioners or boards of revenue, in accordance with law.

Sec. 2. That all orders and contracts heretofore made by courts of county commissioners or boards of revenue for labor performed, or materials furnished for the construction of dipping vats for tick eradication are hereby ratified, confirmed and validated and the county treasurers of such counties are hereby authorized and required to pay all such warrants drawn in accordance with such contracts or orders.

Approved September 16, 1915.

No. 495.)

(S. 598—Lee.

AN ACT

To amend section 1355 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That section 1355 of the Code of Alabama of 1907 be and the same is hereby amended so as to read as follows: 1355—Cities having a population of 2,000 and less than 6,000 inhabitants shall have a board of education consisting of five members which shall be elected by the council, or other governing body, at its first regular meeting. The council, or other govern-

ing body, shall elect the members of the board of education for terms of office which shall be respectively, one, two, three, four, and five years. Annually thereafter at the first regular meeting in April or as soon thereafter as may be practicable, at a regular meeting, the council, or other governing body, shall elect a member whose term of office shall be five years, to succeed the member of the board of education whose term expires that year. As soon after election as practicable, the said board shall organize by electing one of their members president and shall also elect one of their members secretary of said board, and said board shall have all powers and be vested with all the authority in relation to the public schools as boards of education in cities of 6,000 or more population. In the event of a vacancy in the membership of the board by resignation or otherwise, the fact shall be reported to the city council, or other governing body, by the board, and the council, or other governing body, shall elect a person to fill such vacancy for the unexpired term; in towns of less than 2,000 population, the management and control of the public schools therein shall on and after the first day of October, 1915, be vested in a county board of education, which board shall be vested with all the powers and authority in relation to such school, as if the same were not within the incorporated territory.

Approved September 16, 1915.

No. 498.)

(H. 975—Brindley

AN ACT

To protect women and children from desertion and non-support by husbands and parents; making it a misdemeanor for a husband to desert or neglect to provide for the support of his wife, or for a parent to desert or to neglect to provide for the support of his or her child, or children, under the age of sixteen years; prescribing the penalty therefor, and making provisions for the apprehension and punishment of persons convicted of non-support or desertion; and providing for the taking of recognizances; and for the forfeiture and enforcement of said recognizances; also providing for the appointment of probation officers and prescribing their duties and powers; and making chiefs of police and sheriffs and other peace officers, probation officers, in certain contingencies, and designating the courts which shall have jurisdiction of such matters.

Section 1. *Be it enacted by the Legislature of Alabama,* That any husband who shall, without just cause, desert or willfully neglect or refuse to provide for the support and maintenance of his wife; or any parent who shall, without lawful excuse desert or willfully neglect or refuse to provide for the support

and maintenance of his or her child, or children, under the age of sixteen years, she or they being then and there in destitute or necessitous circumstances, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not exceeding one hundred dollars, or in the case of a husband, or father, be sentenced to a term at hard labor for the county for a period of not more than twelve months, or both. When any such person is so sentenced to hard labor for the county, the county from which said person is so sentenced shall out of the general funds of said county pay fifty cents for each day said prisoner is so confined, to a probation officer designated by the court, to be by him expended under the direction of the judge, for the maintenance of his dependent wife or children, one, or both, as the case may be, of which expenditure such officer shall make monthly reports to said judge; and it shall be the duty of the county commissioners, or board of revenue, of such county, to make the allowance herein provided for, every two weeks, and to issue a warrant for same on the county treasurer, who shall pay same to said probation officer. And should a fine be imposed, it shall be directed by the court to be paid, in whole, or in part, to such probation officer, to be by him used as above stated, or to the wife, or the guardian, or custodian of such child, or children. Persons sentenced to hard labor for the county under the provisions of this act shall, when released therefrom, be placed on probation upon the terms and conditions, and, in the manner hereinafter prescribed for the probation or original offenders, not so sentenced.

Sec. 2. Proceedings under this act may be instituted upon complaint made under oath or affirmation by the wife or child supported by other evidence, or by any officer mentioned in section (7) of this act upon information received, or by any other person having knowledge of the facts, against any person accused of either of the above named offenses. It shall be the duty of any officer mentioned in section (7) of this act when, in his opinion, a person in his jurisdiction is guilty of desertion, or of failure, to support his family, to bring such person before the court, charged with such desertion or failure to support his wife or children. The probate courts of the several counties of the State shall have and exercise exclusive and original jurisdiction in all cases arising under this act, except in such counties in which by special act of the Legislature, juvenile courts have been created and established, in which last described counties, such juvenile courts shall have exclusive and original jurisdiction of all cases arising under this act; and as to such cases,

such juvenile and probate courts shall have and exercise all the power and authority now possessed, or which may hereafter be conferred, upon county courts; and the institution and trial of such cases shall, except as herein otherwise provided, be had and conducted as other misdemeanor cases are begun and tried in such county courts. In the trial of such cases, such juvenile or probate court shall determine both the law and the facts, without the intervention of a jury, and shall award such judgment, under the terms of this act, as shall seem just. The defendant, if convicted, shall have the right to appeal to the next ensuing term of the circuit court of the county where he may have a trial by jury. Pending said appeal, upon his entering into bond, with sufficient sureties, in such sum as the court may require, conditioned that he will appear at said circuit court, until discharged by due course of law, he shall be released from custody. If the defendant fails to make the required bond, he shall be confined in the county jail till tried. Upon the taking of such appeal, the clerk of the said court shall at once certify to the clerk of the circuit court, of said county, all papers in the cause affecting the person so appealed, together with a transcript of all proceedings had in said court, in said matter. The clerk of the said circuit court of said county shall set all cases appealed from this court as preferred cases in said circuit court, to the end that said cases may have a speedy hearing in said circuit court. Upon said appeal, said circuit court shall try said case de novo, and shall proceed under and in pursuance of the terms of this act, to render such judgment as said juvenile or probate court should have rendered. Upon the rendition of said judgment, said circuit court shall cause to be filed with said juvenile, or probate court, a copy of its said judgment, which shall thereupon become the judgment of said juvenile, or probate court. And in the event said circuit court does not discharge said defendant, said circuit court shall remand said defendant to the jurisdiction of said juvenile or probate court, to be dealt with under the terms of said judgment in all respects as if said judgment had been rendered by said juvenile, or probate court, in the first instance.

Sec. 3. At any time before the trial, or pending an appeal, upon motion of the complainant and upon notice to the defendant, the judge of said court may enter such temporary orders as may seem just, providing for the support of the neglected wife or children, or both, pendente lite, and may punish for violation of such order as for contempt.

Sec. 4. Before the trial, with the consent of the defendant, or at the trial, on entry of a plea of guilty, or after conviction, instead of imposing the penalties hereinbefore provided or in addition thereto, the judge in his discretion, having regard to the circumstances, and to the financial ability, or earning capacity, of the defendant, shall have the power to make an order, which shall be subject to change by the court, from time to time, as circumstances may require, directing the defendant to pay a certain sum periodically, either directly, or through a probation officer, to the wife, or to the guardian, curator, or custodian of the said minor child, or children, or to an organization, or individual, approved by the court, or judge, as trustee, and to release the defendant from custody on probation, upon his or her entering into a recognizance, with or without surety, in such sum as the court, or judge thereof, may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, within one year, and shall further comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void; otherwise, in full force and effect.

Sec. 5. If at any time the judge be satisfied, by information and due proof, that the defendant has violated the terms of such order, he may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence, or in his discretion may extend or renew the term of probation, as the case may be. Upon due proof that the terms of said order have been violated, such judge shall, in any event, have the power to declare the recognizance forfeited, and the sum or sums recovered thereon shall be paid, in the discretion of the court, in whole or in part to the defendant's wife, or to the guardian, curator, custodian, or trustee of the said minor child or children, or to an organization, probation officer, or individual approved by the judge, for the use of said wife, child, or children. Any recognizance taken in a juvenile court, after being forfeited, shall be certified and transmitted to the circuit court of the county, and the proceedings thereon shall be as in other cases of forfeited recognizances.

Sec. 6. Any offense under this act shall be held to have been committed in any county in which such wife, child, or children, may be at the time such complaint is made. Whenever the judge, within whose jurisdiction an offense under this act is alleged to have been committed, shall, after an investiga-

tion of the facts and circumstances thereof, certify that, in his opinion, the charge is well founded, and the case a proper one for extradition, or in any case, if the cost of extradition is borne by the parties interested in the case, the person charged with having left the State with the intention of evading the terms of his probation, or of abandoning, or deserting his wife, child, or children, shall be apprehended, and brought back to the county having jurisdiction of the case, in accordance with the law providing for the apprehension and return to this State of fugitives from justice, and upon conviction, punished as hereinabove provided. When the judge of said court shall certify, as above provided, all costs incurred by the sheriff, or other officers, in bringing such parent, or parents, from other states, or from other counties in this State, into the county where the said offense shall have been committed, and all costs incident to such extradition of such parent, or parents, shall be paid by the county in which such offense shall have been committed, and the county commissioners, or the board of revenue, shall make such appropriations as may be necessary to carry into effect the provisions and purposes of this act. Proof that a person has left his wife, child, or children in destitute or necessitous circumstances, or has contributed nothing to their support for a period of sixty days after his departure, shall constitute prima facie evidence of an intention to abandon, or desert, his said family.

Sec. 7. The judge of said court shall have the right and authority to call upon the sheriff or any deputy sheriff in said county, any constable in said county, any police or other peace officer in any town or city in said county, any humane, or probation officer in said county, to serve as probation officer, under the terms of this act; and he may appoint in any particular case, any other discreet person, willing to serve in such case, such probation officer. Said officer above mentioned, when so requested or appointed by said judge, if it will not interfere with the performance of the duties of their respective offices, shall faithfully perform the duties which may be prescribed for them by the court or judge, above mentioned, and shall promptly make all reports which may be required of him by said court, or judge. The sheriff of said county shall serve all writs, processes and papers, directed by the court, or judge thereof, to be served by him, and a suitable allowance shall be made to him by the county commissioners, or board of revenue, of such county, for his actual disbursements in effecting such service; but all writs or other processes issued from said court

in such proceedings may be served by any person designated by the court, or judge thereof, for such purpose, and while such other person is engaged in serving such writs or processes, said person shall have all the power and authority of a sheriff. There shall be no costs of any kind whatever taxed in cases arising under this act.

Sec. 8. Said probation officers shall ascertain the name and address and such facts in relation to the antecedent history and environment of the person, or persons, committed to his charge as may enable him to determine what corrective measures will be proper in the case, and shall exercise constant supervision over the conduct of such person or persons, and make report to the judge whenever he shall deem it necessary, or be required so to do, and he shall use every effort to encourage and stimulate such person to a reformation. Whenever said probation officer shall become satisfied that such person is violating the direction, rules, or regulations given or prescribed by the judge, for his conduct, the said probation officer shall have authority to arrest such person without warrant, and carry him before the judge before whom he was first brought; and such judge may thereupon proceed as provided in section (5) of this act.

Sec. 9. That no other evidence shall be required to prove marriage of such husband and wife, or that such person is the lawful father or mother of such child, or children, than is or shall be required to prove such facts in a civil action. In all prosecutions under this act, any existing provisions of the law prohibiting the disclosure of confidential communication between husband and wife shall not apply, and both husband and wife shall be competent and compellable witnesses to testify to any and all relevant matters, including the fact of such marriage and the parentage of such child, or children. Proof of the desertion of such wife, child, or children, in destitute or necessitous circumstances, or of neglect to furnish such wife, child, or children, necessary and proper food, clothing or shelter, is prima facie evidence that such desertion or neglect is willful.

Sec. 10. Any parent or other lawful custodian of any child under sixteen years of age, who shall willfully abandon any such child for a period of six months, or more, shall thereby lose all their right, custody, and control, and authority to and over said child.

Sec. 11. All acts and parts of acts in conflict with this act are hereby repealed. This act shall go into effect immediately upon its passage.

Approved September 16, 1915.

No. 499.)

(H. 1426—Bradshaw.

AN ACT

To amend section 1421 of the Code of 1907 of the State of Alabama.

Be it enacted by the Legislature of Alabama, That section 1421—of the Code of 1907—be amended so as to read as follows:—Section 1421.—Municipal Bonds,—Election for.—The mayor and common council, mayor and aldermen, or other governing body, of any city or town in this State, may order elections to be held in such city or town, for the purpose of the qualified electors of such municipality voting upon and deciding the question as to whether or not the bonds of such municipality shall be issued for the purpose of purchasing or constructing public buildings, sewers, streets, alleys, bridges, and public school-houses and buildings, to purchase or acquire water works and light plants, or to construct the same, or to provide the same by purchase and improvement or by improvement alone, or for such other purposes as are authorized by law, whenever such governing board deems it necessary; but no second election under this article shall be held within two years of an election theretofore held for the same purpose, unless it be to authorize the issue of bonds to rebuild public buildings or other public utilities or bridges, destroyed since the issue of the order of such first election.

Approved September 16, 1915.

No. 500.)

(H. 1123—Henderson.

AN ACT

To permit all common carriers in this State to grant free transportation to needy Confederate veterans to and from the State and national reunions of the United Confederate Veterans.

Section 1. *Be it enacted by the Legislature of Alabama,* That it shall be lawful for all common carriers in this State to grant free transportation to all needy Confederate veterans over their respective lines of travel, to and from all reunions of the Confederate veterans, State and national, on the certificate of the commanders of the camps of that organization showing the worthiness of the applicants for such transportation.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Became a law under section 125 of the Constitution.

No. 501.)

(H. 1595—Cooper.

AN ACT

To confer upon the railroad commission of Alabama jurisdiction over the rates, charges, services and facilities of all persons, firms and corporations engaged in or carrying on for hire, the business of telegraph and telephone, either or both.

Be it enacted by the Legislature of Alabama:

1. That all persons, firms and corporations engaged in or carrying on for hire, the business of telephone or telegraph, either or both, shall be, so far as relates to the rates, charges, services and facilities of such persons, firms and corporations, under the jurisdiction of the railroad commission of this State.

2. The railroad commission of Alabama is charged with the duty of supervising, regulating and controlling such persons, firms and corporations doing business as aforesaid in this State, in all matters relating to their rates, charges, services and facilities, and of correcting abuses therein, by such persons, firms and corporations. The commission shall from time to time in the matter now or that may hereafter be authorized by law, for prescribing and enforcing the rates and charges of railroads in this State, prescribe and enforce against such persons, firms or corporations, such rates, and charges, as may be fair, reasonable and just, and shall require them to establish and maintain, all such public service facilities and conveniences as may be reasonable and just, which said rates and charges, the commission may, from time to time, alter or amend.

3. All laws, general and special, expressly or impliedly, in conflict with the provisions of this act, are hereby repealed and this act shall take effect immediately upon its approval.

4. That the powers and duties of the commission to regulate the rates and charges, services and facilities herein provided for, shall be limited to the rates and charges, services and facilities for the business done in Alabama, and shall not apply to any interstate business.

Approved September 15, 1915.

AN ACT

To provide for the protection of orchards, trees, farms, vines and shrubs, and the products of said orchards, trees, farms, vines and shrubs, and to provide punishment for violations of the provisions thereof.

Section 1. Upon a petition of fruit growers, vegetable growers or farmers controlling and cultivating not less than five thousand acres of fruits, vegetables and farm crops of all kinds in any county of this State, the county commissioners of said county shall appoint a county horticulturist, who shall be ex-officio a deputy State horticulturist, whose duty it shall be in accordance with the horticulturist, to inspect orchards, nurseries, trees, shrubs, vines, fruits, vegetables, plants, packing houses, warehouses, store rooms, farms and all other premises within said county, and to enforce all laws of the State relating to such insect pests and such diseases as affect trees, vines, plants, of any kind, or fruits or vegetables of any kind, and all other horticultural laws, rules and regulations of the State; provided, however, that the horticulturist so to be appointed shall be nominated by the State horticulturist, and shall be a graduate of an accredited agricultural college and shall have not less than five years of practical experience in horticultural pursuits; and said county horticulturist shall hold his office during the time he performs the duties of said office in a manner satisfactory to said State horticulturist. Upon a similar petition, the county commissioners of said county shall appoint one or more deputy county horticulturist who shall be ex-officio a deputy State horticulturist; provided that such assistant or deputy horticulturist be first recommended by the State horticulturist, in the manner provided for the appointment of a county horticulturist, and shall hold office during the pleasure of said county commissioners and of the county horticulturist for said county. Every such deputy county horticulturist shall have and perform all the powers and duties of a county horticulturist, but shall work under his direction.

Sec. 2. The county horticulturist and deputy county horticulturists and all other persons authorized to enforce the horticultural and inspection laws of Alabama, are authorized and empowered, provided, they show credentials from the State horticulturist, to enter during reasonable hours upon or into any premises, land, buildings, enclosures, or other places for the purpose of inspecting any article which is subject to, or may be subject to, infestation with any insect or fungus injuri-

ous to any article which grows upon or in or from the soil by processes of plant growth, or the eggs, larvæ, or pupæ of such insects or with any disease injurious to any such article or articles for the further purpose of enforcing any of the laws of this State relating to horticultural quarantine, or horticultural inspection or the abatement of horticultural nuisances or any other duties imposed by law upon such horticulturists and other persons authorized to enforce the inspection and horticultural laws of Alabama.

Sec. 3. Such county horticulturist shall receive a sum not less than five dollars per day and his actual necessary expenses, and each deputy county horticulturist shall be paid for his services by said county a sum not to exceed four dollars per day and his actual necessary expenses incurred in the performance of his duties. The county horticulturist shall report monthly to the State horticulturist, on or before the last day of each month, stating the kind and amount of work done by himself and his assistant or assistants, the necessary expenses incurred, with vouchers for the same, and the number of days that the said county horticulturist and his assistant or assistants are entitled to pay. When the State horticulturist has examined and approved the said report, and claim, the county commissioners shall upon receipt of the report so approved pay the salary and expenses of the said county horticulturist, and his assistant or assistants and the commissioners shall certify the same to the treasurer of the county before such compensation and expenses shall be paid.

Sec. 4. The board of county commissioners of each county shall supply the county horticulturist and deputy county horticulturist with such blanks as are not furnished by the State board of horticulture and with such stationery and postage as are needed in the performance of their official duties. If it appears to the court of county commissioners of any county that it will be for the best interests of the people of such county to do so, it may agree to pay, and shall pay, to its county horticulturist a larger sum than five dollars per day for his services and his actual traveling expenses, and shall not pay deputy county horticulturist a sum greater than four dollars per day for his services and his actual expenses.

Sec. 5. It shall be the duty of the county horticulturist, whenever he deems it necessary, on written approval of the State horticulturist, to cause an inspection to be made during reasonable hours, of any orchards, nurseries, trees, plants, vegetables, vines, or any fruit packing houses, store room, salesroom

or any other place within his district, and also of any fruit trees or nursery stock shipped from beyond the limits of this State. and if found infected with any pests, diseases or fungus growth injurious to fruits, plants, trees, vegetables, or vines, or with their eggs or larvæ liable to spread to other plants or localities, or of such nature as to be a public danger, he shall notify the owner or owners or persons in charge or in possession of such articles, things or places, that the same are so infested, or in case such fruit trees or nursery stock, although apparently sound and not infested by any pests, shall have been from an infested district beyond the limits of this State, he shall also so notify the owner or owners or persons in charge of or in possession of the same to eradicate or destroy said insects or pests or their eggs or larvæ, or such imported fruit trees or nursery stock from infested districts without the limits of this State, or to treat such contagious diseases within a certain time to be specified in said notice. Said notice may be served upon the person or persons, or any of them, owning, having charge of or having possession of such infested place, article, or thing by said county horticulturist, or by any person deputed by him for that purpose, or they may be served in the same manner as a summons in an action at law. Such notice shall contain directions for the application of such treatment approved by the county horticulturist for the eradication or destruction of said pests, or the eggs or larvæ thereof, or the treatment of contagious diseases or fungus growth. Any and all such places, orchards, nurseries, trees, plants, shrubs, vegetables, vines, fruits or articles thus infested are hereby declared to be a public nuisance, and should they exist at any place in the State on the property of any owner or owners upon whom or upon the person in charge or possession of whose property notice has been served as aforesaid, and who shall have failed or refused to abate the same within the time specified in such notice, or if it is the property of any non-resident or any property not in the possession of any person and the owner or owners of which cannot be found by the county horticulturist after diligent search within the county, it shall be the duty of the county horticulturist to cause such nuisance to be at once abated by eradicating or destroying said insects or pests or their eggs or larvæ, or by treating or disinfecting or destroying the infested or diseased article, or imported fruit trees or nursery stock imported from an infested district without the limits of this State. The expense thereof shall be a county charge and the board of county commissioners shall allow and pay the same out of the general fund of the county.

Sec. 6. Any and all sums paid under the provisions of this law whether for spraying, destruction of diseased plants or articles, or for abatement of a nuisance, shall be and become a lien on the property and premises from which arose the cause of such procedure in pursuance of this act, and may be recovered by a suit in equity against such property or premises, which suit to foreclose such liens shall be brought in any court of competent jurisdiction in the county where the premises are situated, by the county solicitor in the name and for the benefit of the county making such payment or payments. The proceedings in such cases shall be governed by the same rule as far as may be applicable, as suits to foreclose mechanics' liens, and the property shall be sold under the order of the court and the proceeds applied in like manner. The county horticulturist is hereby invested with the power to cause such nuisance to be abated in a summary manner.

Sec. 7. The said county horticulturist or his agents or employees are hereby empowered with authority to enter upon any premises and to examine all plants and trees whatsoever in discharge of the duties herein prescribed. Any person, persons, firm or corporation who shall obstruct or hinder them or their agents in the discharge of their duty shall be deemed guilty of a misdemeanor.

Sec. 8. The wages of the county horticulturists and their assistants shall be paid out of the treasuries of the counties where their work is performed in each case; but in case two or more counties wish to co-operate in the employment of one person to serve in the capacity of horticulturist in two or more counties, he shall receive such salary from each county as that county's assessed property valuation bears in proportion to the other county or counties. In each county jointly employing such horticulturist he shall be designated the county horticulturist of that county.

Sec. 9. It shall be unlawful for any person, firm or corporation to import or sell any infested or diseased fruit of any kind in the State of Alabama.

Sec. 10. The State board of horticulture shall hear and promptly decide all appeals from the county horticulturists or their agents in this State, and its decisions shall have full force and effect until set aside by the courts of the State. All appeals from county horticulturists or their agents to the State board of horticulture, shall be under the form and regulations as prescribed by the State board of horticulture.

Sec. 11. It shall hereafter be unlawful for any person, firm or corporation owning or operating any nursery, or fruit orch-

ards of any kind, to throw any cuttings or prunings of any fruit trees, nursery stock or ornamental trees, into any public road, highway, lane, field, or other enclosure, or into any water course of any kind; but shall destroy such cuttings or prunings with fire within three days from the time such cuttings or prunings are made.

Sec. 12. Every person who packs or prepares for shipment to any point within the State, or who delivers or causes to be delivered to any express agent or railroad agent, or other person, or to any transportation company, or corporation, for shipment to any point without the State, any fruit or fruits, either fresh, cured or dried, that is infested with communicable insect pests or diseases injurious to trees, shrubs, plants, fruits, or vegetables, shall be deemed guilty of a misdemeanor.

Sec. 13. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than ten nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

Sec. 14. It shall be the duty of the county horticulturist of the county in which a violation of this act occurs to present the evidence of the case to the county solicitor, whose duty it shall be to prosecute a person guilty of a violation of this act, which prosecution may be brought in any of the justice courts or courts of like jurisdiction of that county.

Sec. 15. All laws or parts of laws in conflict with this act are hereby repealed.

Sec. 16. This act shall take effect immediately upon its passage and approval by the Governor.

Approved September 16, 1915.

No. 503.)

(H. 139—Welch.

AN ACT

For the relief of Rose Huey, clerk and register of the city court of Bessemer, Jefferson county, Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That there shall be and there is hereby appropriated out of the treasury of the State of Alabama, out of money not otherwise appropriated, the sum of eight hundred, four and 13/100

dollars for the relief of Rose Huey, clerk and register of the city court of Bessemer, Jefferson county, Alabama, to reimburse him in said sum for unclaimed witness fees he erroneously paid to the treasurer of Alabama, on the 19th day of October, 1911, which sum he should have paid to the treasurer of Jefferson county, Alabama.

2. Be it further enacted that the State auditor is hereby directed to draw his warrant for said sum on the treasurer of the State of Alabama in favor of said Rose Huey, clerk and register of said court.

Approved September 18, 1915.

No. 505.)

(H. 1449—Goode.

AN ACT

To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges, and ferries of the several counties of this State; to define the duties and powers of the boards of revenue, courts of county commissioners, or other governing bodies of each of the several counties with regard to same; and to fix penalties for the violation of the rules, regulations and laws of the boards of revenue, courts of county commissioners or other like governing bodies of the several counties.

Be it enacted by the Legislature of Alabama:

Section 1. That the courts of county commissioners, boards of revenue, or other like governing bodies of the several counties of this State are invested with a general superintendence of the public roads, bridges and ferries within their respective counties, and may establish new, and change and discontinue old, roads, bridges and ferries of their respective counties so as to render travel over the same as safe and convenient as practicable. To this end they are given legislative, judicial and executive powers, except as limited herein. Courts of county commissioners, boards of revenue or courts of like jurisdiction are courts of unlimited jurisdiction and powers as to the construction, maintenance and improvement of the public roads, bridges and ferries in their respective counties, except as their jurisdiction or powers may be limited by the local or special statutes of the State. They may establish, promulgate and enforce rules and regulations, make and enter into such contracts as may be necessary, or as may be deemed necessary or advisable by such courts or boards, to build, construct, make, improve and maintain a good system of public roads, bridges and ferries in their

respective counties, and regulate the use thereof; but no contract for the construction or repair of any public road, bridge or bridges shall be made where the payment of the contract price for such work shall extend over a period of more than ten years. Provided, however, that nothing in this act shall be construed to authorize the courts of county commissioners, boards of revenue, or other like governing bodies of the several counties to establish, promulgate or enforce any rules, regulations or laws which may be in conflict with a local or special law providing for the working, maintenance, change, discontinuance or improvement of the public roads, bridges or ferries of such county, now in force or which may hereafter be enacted.

Sec. 2. That it shall be unlawful for any person, firm or corporation to violate any rule, regulation or law which may be adopted or promulgated by the court of county commissioners, board of revenue, or like governing body of any county, under the authority conferred by this act, relating to the use, control, care, operation or maintenance of any such public road, bridge or ferry and any person, firm or corporation violating the same shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars and may also be sentenced to hard labor for the county for not more than thirty days, either or both, and each violation thereof shall constitute a separate offense.

Sec. 3. That this act shall not be construed to repeal either in part or in whole any existing local or special law.

Sec. 4. That the court of county commissioners, board of revenue, or other like governing body of any county of this State may transfer to the road fund of the county any surplus of general funds of the county in the county treasury, or any part of such surplus, whenever in the judgment of such court or board it will promote the interest of the county to make such transfer. Any surplus of general funds so transferred shall be used only for working of the public roads or the building of bridges or otherwise improving the public roads of such county.

Sec. 5. That the boards of revenue, courts of county commissioners, or other like governing bodies of the several counties of this State are hereby given the right of eminent domain for the purpose of establishing and changing of public roads, bridges and ferries in their respective counties. Provided that when an appeal is taken from any assessment in a condemnation proceeding brought by a county, such appeal shall not deprive the county obtaining the judgment of condemnation of a right of entry for any and all purposes named in the condemna-

tion proceeding, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than double the amount of damages assessed with good and sufficient sureties to be approved by the clerk of the court to which the appeal is taken conditioned to pay such damages as the owner of the property may sustain.

Sec. 5½. All persons are liable to work on the public roads, except those exempted by section 6 of this act.

Sec. 6. That all women, and all men under the age of eighteen and over the age of forty-five years; all persons who have lost an arm or a leg; and all persons who, by nature or disease, are rendered incapable of hard labor, who shall procure a certificate of such incapacity from the county board of health, are exempt from working on public roads; but where there is no county board of health, the certificate of such incapacity from two reputable practicing physicians shall be sufficient.

Sec. 7. That the right of way is granted to any person or corporation having the right to construct telegraph or telephone lines within this State to construct them along the margin of the right of way of public highways. Subject to removal or change by the court of county commissioners, board of revenue or other governing body of the county.

Sec. 8. That any contractor employed by the court of county commissioners or board of revenue to construct or maintain or improve public roads, bridges, ferries, culverts, drains, etc., before entering upon the discharge of his duties or before receiving any pay therefor, must execute bond payable to the county and to be approved by the probate judge, in an amount not less than the amount to be received by him for such work, conditioned for the faithful performance of his contract and discharge of his duties thereunder. Provided that the contract exceed fifty dollars.

Sec. 9. That the convicts of any county or municipality may be worked upon the public roads, bridges or ferries of the county under the direction of the court of county commissioners or board of revenue, and said convicts may be worked in quarries, gravel pits or any plant used for the production of road materials, although said quarry, pit or plant may be located in another county; or said convicts may be hired to or from another county or from the State.

Sec. 10. That convicts shall not be worked in squads or companies with other persons liable to road duty upon public roads, bridges, etc., for the county. That no woman convict shall be worked on the public roads.

Sec. 11. That no contract where the estimated cost of the work shall exceed two hundred and fifty dollars shall be made except after advertisement for thirty days, in some newspaper published in the county describing the character of the work to be done and the time and place of letting and then only to the lowest reasonable and responsible bidder for such work, who shall enter into bond in double the amount of such bid conditioned for the proper performance of said contract according to the plans and specifications and within the time prescribed by the order of the court or board for such work, which bond shall be approved by the judge of probate for said county. Provided, however, that where the estimated cost of the work exceeds twenty-five hundred dollars, advertisement as above provided must also be made in a daily paper, published in this State, of at least five thousand daily circulation once a week for thirty days. Provided, however, that such court or board shall have the right to reject any or all bids. Provided, however, that in the event of the destruction of a bridge, or damage thereto, rendering the same impassable, or in any other emergency, the county commissioners, board of revenue, or other governing body may contract for the repair or rebuilding of such bridge without advertisement, if the public good requires it.

Sec. 12. That the court of county commissioners or board of revenue or courts of like jurisdiction may accept a money compensation, to be fixed by them, not to exceed five dollars per capita per annum from those liable for road duty, in lieu of the labor required by law upon public roads and provide for the time of payment of the same. Said money to go into the road fund of said county and to be appropriated exclusively for the maintenance or improvement of the public roads of such county. Provided, however, that no person subject to road duty under this act shall be liable to work for more than ten days in any one year.

Sec. 13. That the courts of county commissioners, boards of revenue or other governing bodies of the several counties may, for the purpose of maintaining the public roads, bridges and ferries of the county, impose upon the owners of vehicles which are used upon the public roads of the county such license taxes for each class of vehicles as may be deemed advisable by such court or boards.

Sec. 13½. The court of county commissioners or like governing body of any county, with the consent or permission of the city council or governing body of any municipality, may

establish, construct and maintain any road, street or bridge within the corporate limits of such municipality.

Sec. 14. That if any clause, provision or section of this act is declared unconstitutional it shall not invalidate or affect any other clause, provision or section which is not in and of itself unconstitutional.

Sec. 15. That nothing in this bill shall prohibit women convicts from cooking and preparing meals for road crews, composed of convicts.

Approved September 22, 1915.

No. 506.)

(H. 974—Brindley.

AN ACT

To amend sections 6450, as amended by an act approved August 25th, 1909, and 6451, 6452, 6453, 6454, 6455, and 6456, as amended by an act amended by an act approved August 25th, 1909, 6464, and 6465 as amended by an act approved August 25th, 1909, 6464, and 6455 as amended by an act approved August 25th, 1909, of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That section 6450 of the Code of Alabama be amended so as to read as follows: Section 6450: Juvenile Wards of the State Defined. Any child under sixteen years of age who violates any law of the State, or who violates any ordinance of any municipality of this State, or who is incorrigable; or who knowingly associates with thieves, or gamblers; or who is growing up in idleness or crime; or knowingly visits or enters a house of ill fame; or who knowingly visits or patronizes any policy shop, bucket shop, pool room, billiard room, bar room, or club room, where liquors are kept or drunk, or served to members; or where any gaming table, or device for gambling is operated, or who loiters about any such places; or who habitually smokes cigarettes; or who wanders about the streets at night without being on any lawful business; or who habitually wanders about any railroad yards, or tracks, or jumps or hooks on to any moving engine or car; or unlawfully enters any engine or car; or who habitually uses any vile, obscene, profane, or indecent language; or is found in possession of any indecent, lascivious book, picture, print, card or paper; or who is in possession of any pistol, dirk, bowieknife, or metal knuckles; or is guilty of immoral conduct in any public place, or in or about any school house, or who engages in any occupation, calling, or

exhibition, or is found in any place for permitting which an adult may be punished by law; and generally, any child who so deports himself, or is in such conditions, or surroundings, or is under such improper, or insufficient guardianship, or control, as to endanger the morals, health, or general welfare of such child, shall be deemed a ward of the State, and entitled to its care and protection; and the State shall exercise its right of guardianship and control over such child in the manner hereinafter provided.

Sec. 2. That section 6451 of the Code of Alabama be amended so as to read as follows: Section 6451: Courts Having Jurisdiction of Children, Wards of the State. The probate courts of the several counties of the State shall have original jurisdiction of all proceedings coming under the provisions of this chapter, and in cities having recorder's courts, with the power to try misdemeanants against the laws of Alabama, in such cities, such recorder's courts shall have concurrent jurisdiction with said probate courts, of the cases of any such children who are arrested and brought before it charged with any such misdemeanor, or with a violation of any ordinance of such city; and said probate, or recorder's courts shall have full power and authority to issue all writs and other processes necessary or proper to the administration of such jurisdiction. Said courts shall have the power to determine the form and character of their records, and to devise and publish rules to regulate the proceedings of all cases coming within the provisions of this chapter, and for the conduct of all probation and other officers of the courts in such cases; and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein. The said courts may also devise, promulgate and cause to be printed for use of the public, and for use of the county, or city, such forms as may be found necessary and convenient, for cases coming under the provisions of this chapter. All such expenses, and all expenses of maintenance and care of wards of the courts under detention that may be incurred by order of said courts in carrying out the provisions and intent of this chapter shall be a valid charge against said city or county, as the case may be.

Sec. 3. That section 6452 of the Code of Alabama be amended so as to read as follows: Section 6452: Issuance and Service of Summons on Child and Parent. Any person having knowledge or information that a child residing in, or who is actually within said county, and who is within the provisions of this chapter, or who is subject to the jurisdiction of said court

under this chapter, may file with said probate court a sworn petition, stating the facts that bring such child within said provisions, and this petition may be upon the information and belief of affiant. The style or title of the proceedings shall beCounty, Alabama, (inserting name of county), in the matter of.....(inserting name of child), a child under sixteen years of age. The petition shall set forth the name and residence of the child, and of the parents, if known to the petitioner, and shall give the name and residence of the person having the guardianship, custody, control or supervision of such child if same be known or can be ascertained by the petitioner, or the petition shall state that they are unknown, if that be the fact. Upon the filing of the petition with the court, the court or judge thereof shall forthwith, or after causing an examination to be made by an officer or other person, cause a summons to be issued, signed by the judge or clerk of said court, requiring the child to appear before the court, and the parents, guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be found, to appear with the child at such time and place as may be stated in the summons, to show cause why the child should not be dealt with according to the provisions of this chapter. If it appears from the petition that the child is guilty of having violated any penal law of the State, or of any municipality of said county, for which it could be prosecuted, or that the child is in such condition that its welfare requires that its custody be immediately assumed, the court may endorse upon the summons a direction that the officer serving the same shall at once take said child into his custody. In the meantime, and before the trial, such child may be admitted to bail, or released into the custody of the judge of said court, the clerk of the court, or a probation officer, or into the custody of any person designated by the court; and if in discretion of the court it is deemed inexpedient to detain such child in such manner, and if in the judgment of the court, it is absolutely necessary, such child may be detained in jail in accordance with the provisions of section 6465 of this chapter. Service of such summons shall be made personally by delivering to and leaving with the person summoned a true copy thereof. When the person named in the summons, other than the child, is present in court, or is a non-resident of the county, or cannot be found, or when the case is in court by reason of the fact that said child has violated some State or municipal law, service of summons on such other person named in the summons shall not be necessary to

give the court jurisdiction. But if such other person be not present in court, and if for any of the reasons set forth above has not been served with summons, then the court must appoint a probation officer or some other person to act as guardian ad litem to represent the interest of such child, and such guardian ad litem shall be present at the hearing to represent said child. It shall be sufficient to confer jurisdiction after its service is effected, at any time before the time fixed in the summons for the return thereof, but the court shall not proceed with the hearing earlier than the next day after the date of service, if objection be made by the parties served, or a guardian ad litem representing the interest of the child. Proof of service may be made by the affidavit of the person who delivers a copy of said summons to the person summoned, if the summons be not served by an officer, but if served by a State, county, or municipal officer, his returns shall be sufficient without oath other than his official oath already taken. The summons shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability to punishment as for a contempt of court. The sheriff of said county shall serve all papers directed by the court or judge thereof to be served by him, and a suitable allowance shall be made to him by the county commissioners, or board of revenue of such county for his actual disbursements in effecting such service; but all papers, summonses, and processes, issued from said court in such proceedings, may be served by any person selected by the court or judge thereof for the purpose, and when engaged in serving such papers, such other persons shall have all the authority of a sheriff.

Sec. 4. That section 6453 of the Code of Alabama be amended so as to read as follows: Section 6453: Juvenile Courts; Practice and Rules of. Such probate courts, and such recorder's courts, as have jurisdiction conferred upon them by this chapter, shall keep a separate docket for the trial of such cases, and shall enter its orders and decrees in such cases in a separate minute book; and the trial of all such cases shall be held at a different time from the hearing of other cases in said court; and in the discretion of the court no person shall be admitted to hear the trial of said cases except officers of the court, attorneys engaged in the trial, and the parents or guardian of such child, or person having the custody or control of such child; and said trial shall be so conducted as to disarm the fears of such child and win its respect and confidence. Upon the return of the summons, or at the time set for the hearing, the court shall pro-

ceed to hear and determine the case. The court may conduct the examination of the witnesses without the assistance of counsel, and may take testimony and inquire into the habits, surroundings, condition and tendencies of such child to enable the court to render such order or judgment as shall best serve the welfare of the child, and carry out the object of this chapter; and the court, if satisfied that the child is in need of the care, discipline, or protection of the State, may so adjudicate, and may further render such judgment and make such order or commitment according to circumstances of the case as will conserve the welfare of said child and purposes of this chapter. It is the intention of this chapter that in all proceedings coming under its provisions, the court shall proceed upon the theory that said child is a ward of the State and is subject to the discipline, and entitled to the protection, which the court should give such child under the conditions disclosed in the case.

Sec. 5. That section 6454 of the Code of Alabama be amended so as to read as follows: Section 6454. Solicitors To Assist Such Courts. The court may, in its discretion, call upon the solicitor of said county, or the solicitor of the judicial district in which said court is setting, or the city attorney of said city, as the case may be, to assist the court in any proceedings under this chapter, and said solicitor, or city attorney, as the case may be, shall represent the county or city, as the case may be, in all such cases as are appealed from said courts to other courts. And in every such case the court, may, in its discretion, appoint an attorney to represent the child.

Sec. 6. That section 6455 of the Code of Alabama be amended so as to read as follows: Section 6455. Probation Officers; Duties and Compensation Of. The courts having jurisdiction of proceedings under this chapter may, either jointly or separately, appoint probation officers, who may be either men or women, who must be of good moral character, intelligent, of blameless lives, and in sympathy with the aims and purposes of this chapter, who under the order of courts, shall have the oversight and care of such children as may be committed by said courts to their charge or supervision; and shall file a petition in the said probate court in the case of any child coming under his notice who is in need of the State's care and protection; and shall also bring charges against any person who aids or encourages any child to violate any law, or any order of said courts. Said probation officers shall serve during the pleasure of the court, or courts appointing them, and shall be removable by the said court, or courts. When the probate court

shall appoint a probation officer, or officers, the commissioners court, or board of revenue, of said county, must pay such officer or officers a reasonable salary to be fixed by agreement with said judge; and when the recorder's court, shall appoint a probation officer, or officers, the governing body of said city shall pay said officer, or officers, a reasonable salary to be fixed by agreement with said judge; when such courts shall jointly appoint a probation officer or officers, the said authorities of said city and county shall jointly pay said officer, or officers, a reasonable salary, to be fixed by agreement with said court; such probation officers, when so appointed and qualified, shall have all the power and authority of peace officers any where in the State. The said courts, or either of them, shall also have the right and authority to appoint one or more volunteer probation officers, who when so appointed and qualified, shall have and exercise all the power and authority vested in said probation officers under this section.

Sec. 7. That section 6456 of the Code of Alabama be amended so as to read as follows. Section 6456. Commitment of Children; Wards of the State. If the child have a home, it must be preferred, unless the character, or condition of the parents, guardian or person having control of the home of the child, is such as to forbid the keeping of the child in such home; and in this case the court may commit the child to the custody of some suitable person, or home, and if the parents of the child have the means, they may be required to provide for the support of the child under the orders of the court; or if the child have an estate in the hands of a guardian, or trustee, the guardian or trustee must be required to pay for its support, so long as there are funds of the child in the possession, or control of the guardian, or trustee. If the child have neither parents, who are liable to provide for it, nor estate sufficient for its maintenance, then the child may be committed to any home, or school or reformatory in this State that will receive and maintain the child. If the child is not committed to a home, school or reformatory, it may be by said probate court under chapter 54 of the Code of Alabama of 1907, bound out as an apprentice; and if no master can be found for the child the court of the county commissioners, or board of revenue, of the county, of the residence of the child, shall be required by the said probate court to pay for its reasonable and proper support, till a home or master can be found for the child, or till it is adjudged by the court to be able to make its own living. Any final order or judgment made by the court in the case of any such child shall

be subject to any modification, from time to time, as the court may consider to be for the welfare of such child; the duty being constant upon the court to give to all children subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of said children, and to the best interest of the State. Provided, however, the said court commits any white boy to the Alabama Boy's Industrial School, or any white girl to the Alabama Home of Refuge, or any white girl to the Mercy Home Industrial School, or any colored boy to the Alabama Reform School for Juvenile Negro Law Breakers, said commitment shall be until said child is twenty-one years of age, or until he, or she, is released by the governing board of said institution. The expenses of transporting said children to said institution, home or to any other custodial agency, shall be borne by said county, or city, as the case may be. Jurisdiction having once been obtained of any child shall continue during the minority of such child; and the policy of the court shall be as far as possible to exercise its supervisory care by retaining children in their own homes under the supervision of a probation officer. In committing children to foster homes, it must be a home of the same race of such child, and such child must be received in said home as a member of the family and said family must agree to rear and educate such child as though a member of the family.

Sec. 8. That section 6457 of the Code of Alabama be amended so as to read as follows: Section 6457. Appeals. An appeal may be taken by any party aggrieved, from any final order or judgment of the court in the case of any such child, to any court of said county, having equity jurisdiction, within ten days after the entering of said order or judgment in said cause, but an appeal bond, may, in the discretion of the court be required, which said bond shall be payable to the county in which said court is located, and conditioned, for the child's appearance to answer such judgment as may be rendered on appeal, as well as to secure all the cost that may accrue on such appeal; and if such appeal be taken by a guardian ad litem appointed for the child by said probate court, this court may, in its discretion, grant an order allowing said guardian ad litem the actual expense incurred on said appeal and the amount so allowed shall be a valid charge against said county when approved by the judge of said court. An appeal with or without the bond required in this act shall not suspend the judgment appealed from, nor shall it discharge the child from the custody of the court or the officer of the court, or the person into whose

care the court may place the child, if the judge of said court shall enter an order that to suspend said judgment would endanger the welfare of said child. All appeals under this act shall take precedence over all other business of the court to which appeal is had. Upon said appeal, said equity court shall try said case, de novo, and shall proceed under and in pursuance of the terms of this act to render such judgment as the said probate or recorder's court should have rendered, for the welfare of such child. Upon the rendition of said judgment, said equity court shall cause to be filed with said probate or recorder's court, a copy of its said judgment, which shall thereupon become the judgment of said probate or recorder's court. In the event said equity court does not dismiss said petition, and does not discharge said child, said equity court shall remand said child to the jurisdiction of said probate or recorder's court for its supervision and care, under the terms of said order; and there after said child shall be and remain under the jurisdiction of said probate or recorder's court in the same manner, as if said probate or recorder's court had rendered said judgment in the first instance.

Sec. 9. That section 6458 of the Code of Alabama be amended so as to read as follows. Section 6458. Suspending Proceedings and Remitting Child to Probate Court. Nothing in this article contained shall be so construed as to forbid the arrest with or without a warrant, of any child, as now or hereafter may be provided by law, or as forbidding the issuance of warrants by magistrates as provided by law. Whenever a child under sixteen years of age is brought before a magistrate, or any court in said county other than said recorder's court herein described, charged with any offense, such magistrate or court shall forthwith transfer such case to the probate court of said county by a suitable order. When any such child is brought before any recorder's court, herein defined, charged with any such offense, such recorder's court shall proceed with the trial of such child under the terms of this chapter. Pending the hearing of said case in said probate court, said magistrate, or court, may by order admit such child to bail, or release said child into the custody of its parents, guardian, probation officer, or any other suitable person, to appear before said probate court at a time designated in said order. But if the said magistrate or court does not so release said child, and if in the judgment of said court or magistrate, it is absolutely necessary in order to have said child appear before said probate court at the time designated in said order, the said court or magistrate may com-

mit said child to the county jail pending said hearing; but in no case shall said child be confined in the same room with an adult prisoner. If at any time, said probate court is convinced that any child brought before it on summons or so transferred to its jurisdiction, cannot be reformed and brought to lead a correct life, said court may dismiss said petition and allow said child trial in a court of criminal jurisdiction, or order said child returned to the court in which the indictment, affidavit, or charge was pending, where upon the court to which said child is recommitted shall proceed to hear said cause as though no suspension had been entered in said case. And if at any time said recorder's court is convinced that any child brought before it on any charge under this chapter, cannot be reformed and brought to lead a correct life, by the methods, and in pursuance of the intent of this chapter said court may proceed against said child in the manner provided by law for the punishment of adults for similar offenses.

Sec. 10. That section 6460 of the Code of Alabama be amended so as to read as follows: Section 6460. Causing Delinquency of Children; Crime, Punishment For. Whenever in the course of any proceedings instituted under this act, or when in any other manner, it shall appear to the said probate, or to said recorder's court that a parent, guardian, or person having the custody, control or supervision of any delinquent, neglected, or dependent child, or that any other person has knowingly or willfully encouraged, aided, abetted, or caused or connived at such state of delinquency, neglect or dependency, or has knowingly or willfully done any act, or acts, to directly produce, promote or contribute to the conditions which render such child delinquent, neglected, or dependent, the said probate, or recorder's court shall have jurisdiction in such matters, and shall cause such parent, guardian or other person, as the case may be, to be brought in upon either a summons or a warrant, affidavit, or probable cause having first been made, for such order in the premises as the court may see fit to make in accordance with this section. In case of the bringing of such person into court under the summons or warrant, above provided for, such accused person shall have the right to bail in such sum as may be named by the court, the same to be approved as to amount and sureties by the judge of said court; and in default of said bail, the person so accused shall be committed to the county or city jail, as the case may be, there to await trial or other disposition of said cause by the court. The court shall have full power and authority to hear and determine such

charge so brought against such parent, guardian, or other person, and to determine the guilt, or innocence, of such accused person, parent, or guardian. And in the event that said parent, guardian, or other person shall be found guilty by the court, the court shall have the power to impose a fine of not more than one hundred dollars, and in addition thereto may impose a sentence to hard labor for the county, or city, as the case may be, for not more than six months, or to a term of imprisonment in the county, or city jail, as the case may be, for not more than six months. The judge of said probate, or recorder's court, shall have authority in his discretion, to suspend the payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, and to place such accused person on probation, for such period of time, not to exceed six months, and upon such terms and conditions as to the said judge may seem proper; the judge of said court may, further, in his discretion, as part of the judgment, require such person to enter into a bond, with or without surety, in such terms as the court may direct, to comply with the orders of the court; and said judge shall have authority to revoke such suspension of said fine, or imprisonment, upon a violation by the probationer of the conditions, and terms, upon which such suspension was made. Such revocation by said judge shall immediately put into effect the original fine, or term of imprisonment, originally imposed. The defendant, if convicted, shall have the right to appeal to the next ensuing term of the circuit court of the county, where he may have a trial by jury. Pending said appeal, upon his entering into bond, with sufficient sureties, in such sum as the court may require, conditioned that he will appear at said circuit court, until discharged by due course of law, he shall be released from custody. If the defendant fails to make the required bond, he shall be confined in the county or city jail, as the case may be, till tried. Upon the taking of such appeal, the clerk of the said court shall at once certify to the clerk of the circuit court, of said county, all papers in the cause affecting the person so appealed, together with a transcript of all proceedings had in said court, in said matter. The clerk of the said circuit court of said county shall set all cases appealed from this court as preferred cases in said circuit court, to the end that said cases may have a speedy hearing in said circuit court. Upon said appeal, said circuit court shall try said case de novo and shall proceed, under and in pursuance of the terms of this act, to render such judgment as said probate court or recorder's court should have rendered. If, upon the rendition of

its said judgment, the said circuit court shall suspend the payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor, and place such convicted person upon probation, under the terms of this section. Said circuit court shall cause to be filed with said probate, or recorder's court, as the case may be, a copy of its said judgment, which shall thereupon become the judgment of said probate, or recorder's court, as the case may be, in said case; and upon the rendition by said circuit court of such suspended sentence, said circuit court shall remand said convicted person to the jurisdiction of of said probate, or police or recorder's court, as the case may be, for its supervision and care, under the terms of said judgment; and thereafter said convicted person shall be and remain under the jurisdiction of said probate, police or recorder's court, as the case may be, in the same manner as if said probate court or said recorder's court, had rendered said judgment in the first instance.

Sec. 11. That section 6461 of the Code of Alabama be amended so as to read as follows: Section 6461. Disobeying Orders of Court; Punishment For. Any person who knowingly disregards, or fails to obey, any order made by the judge of said probate, or recorder's court, under the provisions of this chapter, shall be deemed guilty of contempt of court and punished as for other contempts of court.

Sec. 12. That section 6462 of the Code of Alabama be amended so as to read as follows: Section 6462. Obstructing Officers in Performance of Duties. Any person who knowingly interferes with, or opposes, or obstructs, any probation officer in the performance of his, or her, duties under this chapter, or who knowingly makes any false statement to the court, or to the probation officer, about any matter, or person, about which he or she is making inquiry under the terms of this chapter, shall be guilty of contempt of court.

Sec. 13. That section 6463 of the Code of Alabama be amended so as to read as follows: Section 6463. Appointment of Advisory Board. The judges of said probate, or recorder's court shall, jointly within thirty days after the passage of this act appoint a board of not less than ten or more than fifteen, citizens of said county, known for their interest in the welfare of the dependent, neglected and delinquent children of said county, who shall serve without compensation, to be called the advisory board of the juvenile courts of..... county (here inserting name of county). At the time of the appointment of said board, said judges shall designate as the

officers of said board from the persons, so appointed, a president, a vice-president, and a secretary and treasurer. Said board shall hold office during the pleasure of the court, or the judge thereof. Women shall be eligible to appointment on said board. The duties of the board shall be as follows: (1) To advise and co-operate with the judges of said courts, in the appointment of probation officers, and in fixing and regulating the amount of the salaries to be paid said officers; and if it be found inadvisable to appoint said probation officers, to secure for the said courts the services of volunteer probation officers, until such time as paid probation officers are appointed; and to advise and co-operate with the courts upon all other matters, affecting the workings of this chapter; and to recommend to the courts any and all needful measures for the purpose of carrying out the provisions and intent of this chapter. (2) To visit as often as they conveniently can, all institutions, or associations, receiving children under this chapter, and to report to the courts, from time to time, the condition and surroundings of the children received by, or in charge of, any such persons, institutions, or associations. (3) To make themselves familiar with the work of the courts under this chapter, and to make an annual report to the public of the work of said courts.

Sec. 14. That section 6464 of the Code of Alabama be amended so as to read as follows: Section 6464. Confessions, Admissions, Etc., of Children not Admissable as Evidence Against Them. The statements, declarations, confessions, or admissions of any kind, made by a child under sixteen years of age, to any person, officer, or the court; or the manner, or demeanor, or silence, of such child, when questioned or accused, or any statements made by any person, officer, or the court, shall never be legal or competent evidence against the child in any court or proceedings whatever, nor shall the same ever be admitted by any other court, in any proceedings against the child. No adjudication under the provisions of this act shall operate as a disqualification of the child, for any office under any state or municipal civil service; and such child shall not be denominated a criminal by reason of any such adjudication, nor shall such adjudication be denominated a conviction.

Sec. 15. That section 6465 of the Code of Alabama be amended so as to read as follows: Section 6465. When Child May Be Committed to Jail. Whenever a child is arrested for the violation of any law, or is taken into custody under the terms of this chapter, such child, if it be absolutely necessary in order that said child be produced in court at the time set for

the hearing of said cause, may be placed in jail for safe keeping until the time of said hearing; but in no case shall such child be confined in the same room with an adult prisoner.

Sec. 16. This act shall take effect immediately upon its passage.

Approved September 16, 1915.

No. 511.)

AN ACT

(S. 744—Judge.

To relieve all persons, other than county convicts, of any obligations to work on the public roads or to pay any penalties in default thereof, in counties of the State of Alabama whose aggregate tax values according to the complete assessments of the preceding year amount to as much as one hundred million dollars.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. In all counties in the State of Alabama whose aggregate tax values, according to the complete tax assessments of the preceding year, now or hereafter, amount to as much as one hundred million dollars, all persons shall be relieved of any legal obligation to work on the public roads or to pay any penalty in default thereof.

Sec. 2. All general and local laws in conflict with the provisions of this act be, and the same hereby are, repealed.

Sec. 3. Nothing herein contained shall prevent or interfere with the working of county convicts on the public roads of the counties herein described.

Approved September 16, 1915.

No. 512.)

AN ACT

(S. 742—Kline.

To pay the expenses of sheriffs for the arrest of defendants with contraband or prohibited liquors and beverages.

Be it enacted by the Legislature of Alabama:

That when a sheriff captures or arrests a defendant, with contraband or prohibited liquors or beverages, either with or without a warrant, there shall be taxed in his favor against the defendant on conviction, in addition to any other fees and charges now allowed by law, ten cents per mile each way, from

the court house to the place of arrest, and all expenses for the transportation of the contraband or prohibited liquors and beverages from the place of arrest to the court house.

Approved September 16, 1915.

No. 518.)

(S. 531—Lee.

AN ACT

To amend section 7796 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

1. That section 7796 of the Code of Alabama be and the same is hereby amended so as to read as follows: 7796. Solicitor must report fees within ten days after adjournment of court. It is the duty of each solicitor who is paid a salary by the State, within ten days after the adjournment of any term of the court for which he is solicitor, to make and deliver to the clerk of such court and forward to the State auditor, each, a certified statement showing the number and names of the persons convicted at such term of the court, the character of the offenses charged, the date of the sentence, and the amount of the solicitor's fee in each case. For any failure on the part of any solicitor to perform the duty required by this section, he shall forfeit to the State the sum of one hundred dollars to be recovered by the attorney general on motion after ten days' notice in the circuit court of Montgomery county in the name of the State.

Approved September 16, 1915.

No. 519.)

(S. 530—Lee.

AN ACT

To provide for and regulate the making of monthly reports by clerks and registers of circuit courts, chancery courts, and courts of like jurisdiction, to the judges and chancellors of such courts, and the chief justice of the Supreme Court; and to provide penalties for failure to comply with the terms of this act.

Be it enacted by the Legislature of Alabama:

1. That within the first three days of each month the clerk and register of every circuit court, chancery court and court of like jurisdiction shall make out and certify report in tripli-

cate showing the cases pending in his court as follows: 1. The number of civil cases to be tried without a jury. 2. The number of civil cases to be tried with a jury. 3. The number of equity cases. 4. The number of criminal cases charging capital offenses. 5. The number of criminal cases charging other felonies. 6. The number of criminal cases charging misdemeanors. 7. The number of prisoners confined in jail.

2. That immediately after making out this report he shall send a copy thereof to the chief justice, and one copy to the judge or chancellor of the court and one he shall keep on file in his office.

3. That for any failure of a clerk or register to perform any of the duties prescribed by this act, he shall forfeit one hundred dollars to the State to be recovered on motion of the solicitor of any court of record of the county of such clerk or register in the court of which he is solicitor in the name of the State; such clerk or register to have three days notice of such motion.

Approved September 16, 1915.

No. 520.)

(S. 556—Lusk.

AN ACT

To define the right of action of an assignee of a judgment or decree of a court of record.

Be it enacted by the Legislature of Alabama:

1. That in all cases where a transfer of a judgment or decree of a court of record in this State is made or endorsed on the execution docket or on the margin of the record of the judgment or decree in the court where rendered or in the office of the probate judge where a certificate of the judgment is recorded and which transfer is attested by the clerk, register or judge of probate, the assignee of such judgment in addition to the rights conferred upon him by section 4152 of the Code of Alabama may maintain any suit thereon, or proceeding to revive in his own name, that the plaintiff in said judgment or decree could maintain if such transfer had not been made whether the plaintiff be living or dead. That when the transfer is made by any agent or attorney the authority of the agent or the power of attorney shall be in writing duly acknowledged and recorded in the office of the probate judge and referred to in such trans-

fer by noting the book and page where recorded. After such transfer the original plaintiff shall have no further authority or control over such judgment.

Approved September 16, 1915.

No. 521.)

(S. 544—Lusk.

AN ACT

To further define the power and authority of the chief justice of the Supreme Court and to confer authority upon him to order and direct the holding of circuit courts by the judges and solicitors thereof in their own and other circuits and the supernumerary judge, and to provide clerical assistance for the chief justice and to prescribe the manner of exercising the power and authority hereby conferred.

Be it enacted by the Legislature of Alabama:

1. That the chief justice shall have a clerk or secretary who shall perform such duties as may be required of him by the chief justice and be paid an annual salary of twelve hundred dollars payable monthly out of the State treasury on warrants of the State auditor as other officers or employees are paid on the certificate of the chief justice.

2. That it shall be the duty of the chief justice to have the reports and information supplied to his office as provided by law, tabulated and compiled so as to furnish information as to the administration of justice, the workings and operation of the courts, the amount of business pending, performed or dispatched in the several courts of the State and which shall be tabulated by counties and circuits showing the work done by each circuit judge by circuits and counties for each year.

3. The chief justice shall have authority and it shall be his duty to see that the business of the several courts of the counties is attended to with proper dispatch, and that the cases, civil and criminal, are not permitted or suffered to become congested or delayed, and he shall take care that prisoners are not allowed to remain in the jails without a prompt trial.

4. Whenever in the opinion of the chief justice the business in any of the courts is being delayed, or is unnecessarily congested, or unnecessarily accumulated it shall be his duty to order adjourned or special terms of court or the calling of the dockets of the cases for trial by sending a written order to the clerk of the court of the county where ordered, which order shall be spread upon the minutes of the court as a part of the organization thereof, and he shall also have power and authority

to direct the supernumerary judge or the judge of any circuit at any time to call or order an adjourned or special term of the court for any county in the circuit of any such judge for the trial of county cases, and all cases, civil or criminal, one, or all, and it shall thereupon be the duty of such supernumerary judge, or circuit judge, to immediately make such orders and issue such process and notice as shall be necessary for the calling, convening and holding of such terms of court according to law. That if either the judge or solicitor of the court shall be unable to attend said court he shall notify the chief justice and the chief justice shall designate some other judge or solicitor, as the case may be, not then engaged in holding court elsewhere to attend and hold said court or discharge the duties of solicitor or judge, as the case may be.

5. That the chief justice shall have power and authority and it shall be his duty to direct and order in the same manner the attendance of any solicitor upon any regular, adjourned or special term of the court for the prosecution of any criminal case or the prosecution or defense in any case in which the State or any county thereof is interested at any regular, adjourned or special term of court or to attend upon any preliminary trial or application for bail or habeas corpus either in or out of his circuit.

6. That when any circuit judge or solicitor is ordered by telephone, telegraph or in writing by the chief justice to attend and hold or assist in holding any regular, adjourned or special term of court out of the county for which he shall have been elected such judge or solicitor shall be entitled to his actual expenses in traveling to and attending such court and returning home not to exceed his actual expenses for transportation and two dollars per day for hotel bills to be rendered in an itemized account within ten days after his return home, sworn to and returned to the chief justice's office in Montgomery and when approved by him the auditor shall draw a warrant in favor of such judge or solicitor for such amount as thus approved.

7. That whenever in the opinion or judgment of the chief justice the public good requires more judges than are regularly provided by law for the holding or attending the courts in any county in this State he may order one or more judges living out of such circuit to attend and hold or assist in holding such court.

8. That in so holding or assisting in holding such court no two judges shall try cases in the same room at the same time, but such court may be held in separate divisions and it shall be

the duty of the sheriff and court of county commissioners or board of revenue of such county wherein such court is ordered to be held, to provide rooms for the accommodation of holding such court by such judge and said courts or divisions of court may be held in any part of the court house, or in buildings near by the court house as fully and lawfully as if held in the court room regularly provided for holding such court.

9. That the chief justice shall have authority and is hereby directed to order and direct as nearly as practicable the holding of circuit courts by the several circuit judges of the State at least one month of each year in other circuits than the one for which they are elected, it being the intent and purpose of this act to require the several circuit judges of the State to rotate in the holding of their courts under the direction of the chief justice.

10. That for any failure of a judge to order such special term of court or to attend any such court after having called the same or having been notified by the chief justice to attend and to perform any of the duties required of him by this act without a lawful excuse being sick himself, or sickness in his family, or being engaged in holding court elsewhere, or being lawfully absent from the State, he shall forfeit one hundred dollars to the State to be recovered in the circuit court of Montgomery county on motion of the attorney general in the name of the State on ten days notice.

11. That any solicitor who fails, without sufficient excuse, to perform any of the duties required of him under this act shall forfeit to the State of Alabama one hundred dollars to be recovered by the attorney general on motion in the circuit court of Montgomery county on ten days notice.

12. That if any section, clause or provision of this act shall be declared to be unconstitutional it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

Approved September 18, 1915.

No. 522.)

(S. 503—Milner.

AN ACT

To amend sections 5997, 5998, 5999, and 6006 of the Code of Alabama.

Be it enacted by the Legislature of Alabama :

1. That section 5997 of the Code be amended so as to read :
5997. The reporter is entitled to receive a salary of thirty-six

hundred dollars a year, in monthly installments to be paid as the salaries of other State officers are paid, and that sum is hereby appropriated annually therefor, which salary shall be in full for all services rendered, both as reporter of the decisions of the Supreme Court and Court of Appeals.

2. That section 5998 of the Code be amended so as to read: 5998. The opinions of the Supreme Court must be published within three months after the determination of the cause in which an opinion is delivered, unless longer time is necessary to accumulate a sufficient number of opinions to make a volume of reports.

3. That section 5999 of the Code be amended so as to read: 5999. The justices of the Supreme Court shall not be required to write opinions in cases where the decisions merely reaffirm previous decisions, or relate to questions of fact only, or when the cases decided would, in their opinion, serve no useful purpose as precedents, and they must direct what decisions delivered by them shall be published; but the title of every case decided by the court, and not reported in full, shall be published in the reports with brief notes of the points decided and with reference to the authorities. The report must contain the name of the judge before whom the case was tried, the names of the attorneys for appellant and appellee, and the name of the justice who wrote the opinion and of those concurring, and shall not contain a table of cases cited in that volume nor the briefs of counsel.

4. That section 6006 of the Code be amended so as to read: 6006. Fifteen hundred copies of every volume of the reports of the decisions of the Supreme Court shall be printed and bound under the direction and control of the chief justice and reporter of the Supreme court, in volumes of not less than seven hundred and twenty pages, nor more than eight hundred pages, exclusive of the title page, table of cases and the index. In publishing the report of every case there shall be printed immediately under the title of the case a brief statement of the character of the case, as: "Bill to quiet title," "ejectment," etc., and immediately under this line there shall be printed the date when the case was submitted, and when decided, and if a rehearing was applied for, the date when the rehearing was granted or denied. In citing Alabama cases the citation must when practicable be to the volume and page of the official edition of the Supreme Court reports, or reports of the cases decided by the Court of Appeals. The sections shall not have more than thirty-two pages and be hand sewed to two strong tapes or bands. Every

volume must be printed on white paper, weighing forty-five pounds to the ream, the same quality and finish as that used in volume one hundred and eighty-four (184) of Alabama Supreme Court Reports and the head notes must be printed in six point type solid of the same width as the body of the opinion numbered to correspond with the parts of the opinion to which they relate, which must be printed in ten point type solid, twenty-six picas wide and not less than fifty lines on a page. Every copy shall have three labels of the same size type, and figures and arranged like those on volume one hundred and eighty-four (184) of the Supreme Court of Alabama Reports. Five hundred copies of every volume shall be bound in law sheep of the same quality as that on volume one hundred and eighty-four (184) of Alabama reports and be of the same size page, to be sold to those who desire that kind of binding; nine hundred and fifty copies shall be bound in the best quality American buckram of the color and as good a quality as that on the Acts of North Carolina, 1914, and the sheets for fifty copies shall remain unbound and not sold to supply the place of defective copies rejected by the reporter who must inspect every copy of every volume before he reports to the chief justice, in writing that they are acceptable, and must reject every copy that is in any way defective, or that does not come up to the specifications prescribed by law. All the bound copies shall be delivered to the secretary of State after they have been accepted by the chief justice in writing, but the publishers may contract to distribute all copies to be distributed under law and all other bound copies must be delivered to the secretary of State with an affidavit of the publishers that they have delivered to the secretary of State all bound copies and they will not sell, or bind for sale, any of the unbound sheets.

5. The clerk of the Supreme Court or Court of Appeals may furnish a copy of any opinion of their respective courts to any one desiring it upon the payment of ten cents a hundred words thereof, which fee must be paid by him into the State treasury.

6. That if any section, clause or provision of this act shall be declared to be unconstitutional it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

Approved September 18, 1915.

No. 523.)

(S. 497—Milner.

AN ACT

To amend section 5326 of the Code.

Be it enacted by the Legislature of Alabama:

1. That section 5326 of the Code be amended so as to read as follows: 5326. Profert dispensed with; Notice to Produce. No profert of a written instrument is required in pleading, but, at any time previous to the trial, the defendant may have inspection of the instrument sued on, upon notice to the attorney of the party; or when an account is the foundation of the suit, a list of the items composing it, and whenever the defendant pleads a set-off, the plaintiff may likewise have an inspection of the instrument relied on, or when an account is relied on as a set-off, a list of the items composing the account.

Approved September 16, 1915.

No. 524.)

(S. 495—Milner.

AN ACT

To amend section 4023 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That section 4023 of the Code of Alabama be and is hereby amended so as to read as follows:

4023. Warrants, Attachments, or Other Process Issued During Term Time, How and Where Executed. The sheriff, or his deputy, or any person specially deputed by a court of record, may execute all warrants of arrest, attachments, subpœnas, etc., for witnesses, or any other process issued by a court of record, during term time and within three days before trial which are to be executed during term time, in any adjoining county to that county in which such court is then in session. The sheriff, or the deputy of the sheriff, or person specially deputed may act upon a copy of such warrant, attachment or subpœna given him over a telephone or by telegraph by the sheriff or clerk of the court.

Approved September 16, 1915.

No. 525.)

(S. 499—Milner.

AN ACT

To provide that certain motions in cases at law shall become a part of the record; and to dispense with the reserving of exceptions to rulings thereon.

Be it enacted by the Legislature of Alabama:

Section 1. That all motions which are made in writing in any circuit court or any court of like jurisdiction in any cause or proceeding at law, shall, upon an appeal become a part of the record; and the ruling of the court thereon shall also be made a part of the record, and it shall not be necessary for an exception to be reserved to any ruling of the court upon any such motion.

Approved September 18, 1915.

No. 527.)

(S. 538—Lusk.

AN ACT

To confer upon the circuit courts of the State the jurisdiction of the chancery courts and to prescribe the manner of exercising the same.

Be it enacted by the Legislature of Alabama:

1. That there is hereby conferred on the circuit courts of this State jurisdiction of all matters of equity concurrent with the chancery courts. That the jurisdiction in matters of equity hereby conferred upon the circuit court shall be exercised and enforced by said courts and the judges thereof in the same manner and by the same procedure as is now or may be hereafter provided by law as to pleading, procedure and practice for courts of equity or chancery.

Approved September 16, 1915.

No. 528.)

(S. 493—Milner.

AN ACT

To amend section 3662 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

1. That section 3662 of the Code of Alabama be and the same is hereby amended so as to read as follows: 3662. Costs

given to successful party or apportioned at discretion of court. The successful party in all civil actions is entitled to full costs for which judgment must be rendered, unless in cases otherwise directed by law, or by the judgment of the court. The court may apportion the costs at his discretion as justice and equity may require; and this provision is applicable in all cases in which the State is a party plaintiff in civil actions as in cases of individual suitors. And in all cases where costs are adjudged against any party who has given security for costs, execution may be ordered to issue against such security, provided that this act shall not apply to justice of the peace courts, but that in such courts, the successful party shall recover his costs.

Approved September 16, 1915.

No. 529.)

(S. 325—Brown.

AN ACT

To impose a license or privilege tax of one dollar a year on each dog in the State of Alabama, over four months of age, and to provide for the collection of such tax and to provide that all livestock killed by any dog and all damages done thereto shall be paid for out of the dog tax fund, and to provide for the distribution of the surplus left in the dog tax fund on the first day of March of each year.

Be it enacted by the Legislature of Alabama.

Section 1. Each and every dog over four months old shall be listed for taxation as herein provided either by the owner or by the tax assessor in the name of its owner without affixing any valuation thereto; but the owner may if he so desires affix any value thereto he wishes. Every person who keeps or harbors a dog, or who knowingly permits the keeping or harboring of a dog upon his premises shall for the purpose of listing and taxation be deemed the owner thereof, and the tax assessor shall ascertain the owner or harborer of each dog within his county and list and return the same for taxation. The auditor shall provide blank spaces in the tax assessor's books and the assessor in listing shall enter the description upon the schedule stating the sex, age, color, size, breed and name, if any, of the dogs so listed.

Sec. 2. The owner of every male dog over four months of age shall pay a license or privilege tax thereon of one dollar, and of every female dog of such age one dollar. The first assessment under this act shall be made in the year 1915, between the first day of October and the 31st day of December. Said license

or privilege tax shall be due and collectible as other taxes and collected by the tax collector and paid to the county treasurer, or the custodian of State or county funds. The treasurer or custodian of said funds shall keep such license or privilege tax on dogs separate from other funds. The amount collected by said license or privilege tax on dogs shall be used to indemnify losses by the killing or injuring of sheep or other live stock by dogs as herein provided. Provided that this act shall not apply to dogs in municipal corporations which imposes tag tax of at least one dollar per head on such dogs.

3. Whenever any sheep or other live stock are killed or injured by dogs, the owner or person having custody of the same shall within twenty-four hours after such killing or injury is made known to him, notify the justice of the peace in whose district the sheep or other live stock are, or were, and make affidavits setting forth the number of sheep or other live stock killed or injured, the kind, grade or quality thereof and the amount and nature of injury thereto and that he does not know whose dog caused the damages, if such be the fact, or if known that the amount of such loss if reduced to judgment, could not be collected on execution against the owner of such dog if such be the fact. The justice of the peace shall then appoint two disinterested free holders of the neighborhood where the injury was done to appraise the damages and shall furnish them with claimant's affidavit, or a copy thereof, and the appraisers shall forthwith examine such sheep or other live stocks and make a written report on the claim to the justice of the peace who shall forthwith forward the claimant's affidavits and the appraisers' report to judge of probate or to the clerk of the board of revenue who shall file same in his office and endorse thereon the date of such filing. The justice of the peace and each of the appraisers shall be allowed fifty cents for their services to be paid out of the dog tax fund of the county as other claims against said fund. At each meeting of the court of county commissioners or board of revenue the claim for loss or damage to sheep or other live stock which has been filed not less than ten days prior to said meeting shall be taken up and considered and rejected, or, if correct and just, shall allow the same or such parts thereof as may be deemed right. Provided, the court of county commissioners or board of revenue may require additional evidence on such claims either by oral testimony or affidavits. Such claims as are allowed shall be filed with the county treasurer or custodian of the county funds, who shall after the first day of March of each year draw his warrant in

favor of the claimant for the amount allowed by the court of county commissioners or board of revenue. Provided, if the amount in the dog tax fund be not sufficient to pay all claims, the treasurer or custodian of the county funds shall prorate the same. That if there is any surplus, after paying for the killing or injuring animals, it shall be applied by the probate judge to the payment of the travelling expenses and board of any person who has to attend the Pasteur Institute in Montgomery for treatment by reason of having been bitten by a mad dog and who are unable to pay for these expenses. Any surplus of said fund remaining to the credit of the county after all such claims are allowed shall be transferred as to one-half thereof to the credit of the State of Alabama to be deposited in the State treasury and the remaining one-half of said surplus so remaining to the credit of the county for the public school fund.

Sec. 4. Every person owning or harboring a dog shall be liable to the party injured for all damages done by such dog, but no recovery shall be had for the personal injuries to any person, when they are upon the premises of the owner of the dog after night; or upon the owners' premises engaged in any unlawful acts in day time. Whenever recovery is had before any court for damages to sheep or other live stock by dogs the court may order the defendant or any constable in said county to kill or cause to be killed, such dog within two days after the rendition of the judgment.

Sec. 5. Any dog upon which tax herein provided is paid when due shall be regarded as property, and shall be entitled to the same protection as live stock. The owner of any dog upon which such tax is paid which may be injured or killed contrary to law or carried or enticed away from the premises of the owner, or harbored for the purpose of unlawful killing or injuring such dog or depriving the owner thereof of his ownership may recover exemplary damages of the person for so killing, injuring or enticing away such dog. Any person violating the provisions of this section shall be liable to prosecution as in case of injuring live stock or other personal property of another.

Sec. 6. Any person who shall keep and harbor a dog upon his premises or elsewhere and who fails or refuses to pay the license or privilege tax thereon when due, shall be fined not exceeding five dollars for each offense and upon conviction the judgment may include an order requiring such dog to be killed, which order may be executed by any peace officer who shall be allowed one dollar therefor to be taxed as costs. It shall be the duty of the sheriff and his deputies and each constable in his

district to kill or cause to be killed any dog, the owner of which has failed or refused to pay the license or privilege tax thereon when due and for each dog so killed without the order of the court, such officer shall be allowed by the court of county commissioners or board of revenue fifty cents to be paid out of the dog tax fund.

Sec. 7. This act shall take effect immediately upon its approval by the Governor.

Approved September 18, 1915.

No. 530.)

(S. 507— Milner.

AN ACT

To prescribe the notice, time and procedure for holding elections on proposed amendments to the constitution.

Be it enacted by the Legislature of Alabama:

1. That whenever the Legislature shall propose an amendment to the Constitution in accordance with section 284 of the Constitution the proposed amendment shall be submitted to an election by the qualified electors of the State to be held at the general election next succeeding the session of the Legislature at which an amendment is proposed, unless the Legislature in the resolution proposing the amendment, or by an independent act shall order such election to be held upon another day.

2. Notice of such election, together with the proposed amendment, shall be given by proclamation of the Governor, and if there is more than one amendment to be voted upon on the same day they shall all be included in one proclamation and notice, and shall be published in every county for at least eight consecutive weeks next preceding the day appointed for such special election, in the following manner: The proclamation of the Governor containing the proposed amendment or amendments shall be printed on good strong paper or cloth and be posted up near every voting place and one other public place in every precinct in every county by the sheriff of the county at least sixty days before the election.

3. That in addition to the notice of posters for eight successive weeks as provided herein, the secretary of State shall have the proclamation and notice of the election and the proposed amendment, or amendments published in one newspaper of general circulation in every county in the State one time in the eighth week next before the day of the election and one time in the week next before the day of the election.

4. The secretary of State shall have printed on strong, good paper or cloth, as many copies of the Governor's proclamation, notice of the election and the proposed amendments as may be necessary to supply every sheriff with two copies for every precinct in the county and send them to every sheriff at least seventy days before the day of the election to be held on the proposed amendment.

5. Upon the ballots used at all elections held on proposed amendments to the Constitution the substance, or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated. Following each proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark (X) made by him, or under his direction, opposite the word expressing his desire.

6. In all elections upon such proposed amendments the votes cast thereat shall be canvassed, tabulated and returns thereof, be made to the secretary of State and counted in the manner as in elections for representatives to the Legislature.

7. Any officer, who fails to perform in good faith every duty required of him by this act, must, on conviction, be fined not less than fifty nor more than five hundred dollars.

8. Any person who mutilates, defaces, removes, or destroys, any notice posted up under the provisions of this act, must, on conviction, be fined not less than fifty, nor more than one hundred dollars.

9. The secretary of State shall have printed on the margin of the poster, section 8 of this act.

Approved September 18, 1915.

No. 531.)

(S. 505--Milner.

AN ACT

To require all the fees collected by sections 6655 and 6656 of the Code, in the county court to be paid into the county treasury; to provide a fund out of which the salaries of the judges of the county court shall be paid, and to fix the amount of such salaries.

Be it enacted by the Legislature of Alabama:

1. That all the fees allowed in the county court by sections 6655 and 6656 of the Code, or any other provisions of law, be and the same are hereby required to be paid into the county treasury as collected.

2. That there shall be paid out of the county treasury to the judge of the county court an annual salary in equal monthly installments of three hundred dollars in counties having less than twenty-five thousand population and in counties having twenty-five thousand population and less than thirty-five thousand population four hundred and fifty dollars and in counties having more than thirty-five thousand population six hundred dollars which shall be in lieu of all fees or compensation allowed by law to such county court or judge for services rendered in and about such county court; the payment of such salary to be by warrant of such judge drawn on the treasury of the county. The population to be determined by the last Federal census preceding the time of the payment of fees.

3. That this act shall become effective on Monday after the second Tuesday in January, 1917.

Approved September 18, 1915.

No. 532.)

(S. 500—Milner.

AN ACT

To regulate and prescribe the manner of giving notice of any and all proceedings in the courts to non-residents of the State and county in which proceedings are pending.

Be it enacted by the Legislature of Alabama:

1. That whenever any non-resident of the State shall be made a party defendant to any proceeding in any of the courts of this State, the complainant or plaintiff or petitioner shall set forth in his complaint, petition or bill of complaint the fact of such non-residence and whether the place of residence and post office address is known or unknown and if known shall state it as fully as known, if unknown oath shall be made that such address cannot be ascertained after reasonable effort.

2. That when the petition, complaint or bill of complaint sets forth the address of such non-resident a copy of the same shall be sent such defendant by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed" and return receipt demanded addressed to the clerk or register of the court in which the case is pending and such receipt when received in return shall be filed in the cause and shall be prima facie evidence of service thereof.

3. That when the address of such non-resident shall be unknown notice of the pendency of said suit or proceeding shall be given by publication as now required by law.

Approved September 18, 1915.

No. 533.)

(S. 519—Lee.

AN ACT

To amend section 2500 of the Code.

Be it enacted by the Legislature of Alabama:

1. That section 2500 of the Code be amended so as to read: 2500. If the cause of action survive on the death of a defendant suggestion thereof must be made of record, and the proper representative may voluntarily come in and make himself a party defendant, but if such representative does not come in and make himself a party, citation must issue to him, on his being made known, to appear within thirty days from the date on which the citation was served on him and defend, and after that time the suit may be revived against him; but final judgment must not be rendered against a personal representative if he objects "till after the expiration of twelve months from the grant of letters testamentary or of administration."

Approved September 18, 1915.

No. 534.)

(S. 513—Lee.

AN ACT

To amend section 2502 of the Code.

Be it enacted by the Legislature of Alabama:

1. That section 2502 of the Code be amended so as to read: 2502. When any suit is instituted against one or more persons upon any separate joint, or joint and several contracts, or upon any separate joint, or joint and several cause of action, the plaintiff may, at any time amend the summons and complaint by striking out, or adding parties plaintiff or defendant, whether served or not, and such amendment shall not work a discontinuance as to any defendant not stricken out but the plaintiff may recover such judgment as he may be entitled to against any one or more of the defendants. And where in a suit upon a joint contract, or cause of action, the proof shows it to be a separate or several contracts or cause of action, the plaintiff may amend by striking out the parties not liable, and such amendment shall not work a discontinuance, or constitute a variance.

Approved September 18, 1915.

No. 535.)

(S. 504—Milner.

AN ACT

To require a certified copy of each opinion rendered by the Supreme Court and by the Court of Appeals of Alabama to be promptly sent to the clerk of the court from which the case was appealed.

Be it enacted by the Legislature of Alabama:

1. That the clerk of the Supreme Court or clerk of the Court of Appeals of Alabama, as the case may be, shall within five days after each opinion is rendered by such court send a certified copy thereof to the clerk or register of the court from which the case under consideration was appealed.

2. That within five days after the rendition of every such decision, the clerk of the court rendering the same, shall notify by mail the attorneys of record in the cause of such decision, and no fee shall be charged or collected for the services rendered under this act.

Approved September 18, 1915.

No. 536.)

(S. 510—Milner.

AN ACT

To amend section 3164 of the Code, as amended by an act approved April 21, 1911.

Be it enacted by the Legislature of Alabama:

1. That section 3164 of the Code as amended by an act approved April 21, 1911, be, and the same hereby is amended so as to read as follows, to-wit: 3164. Decree after decree pro confesso is taken in term time or vacation. Whenever a decree pro confesso is taken in any cause in the chancery court or courts exercising chancery jurisdiction, and the evidence has been taken and the cause is ready for submission for final decree, and the complainant or his solicitor of record, if no defense has been interposed, shall file a written request with the register or clerk of the court where the cause is pending that the cause be submitted for final decree, and shall make out his note of testimony, the register or clerk shall at once deliver all papers in said cause in term time or vacation to the chancellor or judge, and he shall, as soon as practicable, render a final decree in said cause, and return the same to the register or clerk for

enrollment, and said decree shall be as binding and have as full effect as if it had been rendered in term time.

2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved September 17, 1915.

No. 537.)

(S. 502—Milner.

AN ACT

To amend section 3227 of the Code.

Be it enacted by the Legislature of Alabama:

1. That section 3227 of the Code be amended so as to read: 3227. All the rules now in force, which have been adopted by the Supreme Court, not contrary to the provisions of this Code, are recognized; and full, plenary power is granted to such court to adopt such other rules to regulate the practice and proceeding in all the courts of the State, or such modifications of existing rules as they may deem proper and to furnish forms of indictments, complaints, bills, pleas, and process and to mould the procedure in all courts and prescribe rules of evidence in the same, from time to time, as experience may determine that the existing rules do not fully meet the ends of public justice. Provided that the Supreme Court shall not have authority to change, alter or modify any act of the Legislature.

Approved September 17, 1915.

No. 538.)

(S. 520—Lee.

AN ACT

To amend section 5303 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

1. That section 5303 of the Code of Alabama be and is hereby amended so as to read: 5303. How Corporation Served. When the suit is against a corporation the summons may be executed by the delivery of a copy of the summons and complaint to the president, or other head thereof, secretary, cashier, station agent or any other agent thereof. The return of the

officer executing the summons that the person to whom delivered is the agent of the corporation shall be prima facie evidence of such fact and authorize judgment by default or otherwise without further proof of such agency and this fact need not be recited in the judgment entry.

Approved September 17, 1915.

No. 539.)

(S. 541—Lusk.

AN ACT

To amend subdivision 1 of section 3255 of the Code.

Be it enacted by the Legislature of Alabama:

1. That subdivision 1 of section 3255 of the Code to be amended so as to read: 1. To exercise original jurisdiction of all felonies and misdemeanors; of all actions for libel, slander, assault and battery, and of ejectments without regard to the amount involved; and of all other suits and actions at law when the matter or sum in controversy exceeds fifty dollars, and in all causes in equity.

Approved September 17, 1915.

No. 540.)

(S. 539—Lusk.

AN ACT

To confer upon judges of the circuit court all the powers and authority of chancellors and authorize and require them to hold any chancery court as provided by law.

Be it enacted by the Legislature of Alabama:

1. That there is hereby conferred upon all judges of the circuit court all the powers and authority of chancellors and they may hold any chancery court, and must do so when required, as provided by law.

Approved September 17, 1915.

No. 541.)

(S. 498—Milner.

AN ACT

To amend section thirty-nine hundred and seventy (3970) of the Code of Alabama, 1907.

Be it enacted by the Legislature of Alabama:

1. That section thirty-nine hundred and seventy (3970) of the Code of Alabama be amended so as to read as follows: 3970. When sworn account admissible in evidence. In all suits upon accounts, an itemized statement of the account, verified by the affidavit of a competent witness, taken before, and certified by an officer having authority under the laws of this State to take and certify affidavits, is competent evidence of the correctness of the account, if the plaintiff, at the time of bringing his suit files with his complaint or other initial pleading such verified itemized statement and indorses on the summons or complaint, or other original process, the fact that the account is verified by affidavit; unless the defendant, within the time allowed him for pleading, files in the cause an affidavit denying, on information and belief, the correctness of the account, which affidavit of the defendant shall state whether or not the defendant denies liability, and whether or not he disputes the whole account or only a part or parts or an item or items thereof, and if defendant disputes only a part or parts or an item or items of the account and not the whole account, he shall state in such affidavit what parts or items are disputed by him, and the verified account so filed and noted by the plaintiff shall be competent evidence of the correctness of all parts and items of the account not disputed by defendant's affidavit. And any person who files a denial of the correctness of the verified account, and thereby causes delay or a continuance of the cause, and on final hearing of the cause the judge of the court does not believe that the denial affidavit was made in good faith, he shall penalize the defendant in a sum not exceeding five (5) per cent of the amount of the judgment recovered, which sum shall be added to and become a part of the judgment.

Approved September 17, 1915.

AN ACT

To amend an act approved April 21, 1911, entitled "An act to regulate the proceedings in the Supreme Court or Court of Appeals in cases which, in the opinion of the court, should be reversed because the judgment of the lower court is excessive, and there is, in the opinion of the Supreme Court or Court of Appeals, no other ground of reversal.

Be it enacted by the Legislature of Alabama:

1. That an act approved April 21, 1911, entitled "an act to regulate the proceedings in the Supreme Court or Court of Appeals in cases which, in the opinion of the court, should be reversed because the judgment of the lower court is excessive, and there is, in the opinion of the Supreme Court or Court of Appeals, no other grounds of reversal," be and the same is hereby amended so as to read as follows: That when an appeal is taken to the Supreme Court or Court of Appeals from the judgment of any court, and the Supreme Court or Court of Appeals shall be of the opinion that the case should be reversed because the judgment of the lower court is excessive and that there is no other ground of reversal, the Supreme Court, or Court of Appeals, shall notify the appellee of the amount which it deems in excess of the just and proper amount of recovery, and require the appellee within a time to be stated in said notice to remit such amount upon penalty of a reversal of the case. If the appellee does not within the time stated in such notice, or within such further time as may be granted by the court for good reason, file a remittitur of such excessive amount the court shall reverse and remand the case; but if the appellee shall file with the court a remittitur of the amount deemed excessive by the court, the court shall reduce the amount of the judgment accordingly and shall affirm the case and enter a judgment for such reduced amount, which judgment so entered shall be and remain the judgment of the lower court and shall date back to the time of the rendition of the judgment in the lower court.

2. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved September 17, 1915.

No. 544.)

(H. 1289—Hubbard.

AN ACT

To amend section 3242 of the Code of 1907.

Section 1. *Be it enacted by the Legislature of Alabama,* That section 3242 of the Code of 1907, be amended so as to read as follows: 3242. Twelfth circuit; times and places of holding court.—The circuit court in the twelfth judicial circuit shall be held in each year as follows: 1. In the county of Coffee at Elba on the first Mondays in January, April, July and October, and at Enterprise on the first Mondays in February, May, August and November. 2. In the county of Covington on the third Monday of February, May, August and November. 3. In the county of Pike on the third Mondays in January, April, July and October.

Approved September 25, 1915.

No. 545.)

(H. 217—Chamberlain.

AN ACT

To protect purchasers at judicial sales.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever any court shall order the sale of any real estate or interest therein, the court shall have power to have an abstract of the title of the property to be sold to be made by some competent person, which said abstract shall be filed with the officer making the sale for five days before the date of the sale, and which shall be open to the inspection and examination of any prospective purchaser.

Sec. 2. The court shall fix the compensation of the person making such abstract, and the amount so fixed shall be a part of the cost and expenses of said sale and shall be paid out of the proceeds thereof.

Approved September 18, 1915.

No. 547.)

(H. 1626—Davis.

AN ACT

To regulate the procedure in unlawful detainer suits brought by a landlord against his tenant in counties of less than 100,000 and more than 80,000 of population according to the last Federal census or any subsequent Federal census; to prescribe the clerk's and sheriff's fees in such suits;

and to provide for and regulate appeals therein, including the bond to be given on appeal.

Be it enacted by the Legislature of Alabama:

Section 1. That in all actions of unlawful detainer brought by a landlord against his tenant in counties of not more than 100,000 and not less than 80,000 of population according to the last Federal census or any subsequent Federal census, the total fees of the justice of the peace, if the action be before a justice of the peace, shall be one dollar (\$1.00), and the total fees of the clerk, if the action be in an inferior court having a clerk, shall be one dollar (\$1.00), and the total sheriff's or constable's fees, as the case may be, shall be one dollar (\$1.00), which will include the executing of a writ of restitution, if it be necessary to execute such a writ.

Sec. 2. That all such suits may be instituted within two days after the landlord has made written demand upon the tenant for possession, and shall be returnable and triable at any time after three days from the time of service of summons and complaint upon the defendant.

2 $\frac{1}{2}$. No such suit as provided for in section two shall be instituted until ten days' notice by landlord to tenant of the termination of latter's tenancy has been given.

Sec. 3. That if judgment be rendered in favor of the plaintiff and against the defendant, a writ of restitution and execution for the costs shall issue against the defendant after the expiration of five days from the date of the judgment, unless the defendant within such period of five days takes an appeal to the circuit court, or other court of appellate jurisdiction in the premises, and gives bond with sufficient sureties to be approved by the judge of the court trying the case in a sum double any rents then owing by the tenant to the landlord, plus twelve months additional rental at the contract rate, if there be such a rate, and otherwise at the reasonable value of such rental, on condition to pay to the plaintiff all rents owing at the time of the execution of the bond and all rents which accrue up to the final determination of the appeal, and to pay all costs of the cause, and the court trying the action shall ascertain the amount of the aforesaid rents and set forth the same in its judgment, in the event that the judgment be for the plaintiff, thus judicially determining the penalty of the appeal bond which is to be given, in the event that there be an appeal.

Sec. 4. That upon the trial of the said action in the appellate court, the jury, or the court trying the cause without a jury,

in the event that the verdict or judgment be for the plaintiff, shall ascertain the amount of rent owing by the tenant to the landlord up to that time and judgment shall be rendered in favor of the plaintiff and against the defendant not only for the property sued for, but also for the amount of the said rent, together with costs, and if the said judgment for rent and costs be not paid within thirty days after its rendition, execution therefor shall issue against the defendant and against the sureties on his appeal bond.

Sec. 5. This act shall go into effect immediately upon its approval by the Governor.

Approved September 18, 1915.

No. 549.)

(H. 1556—Grady.

AN ACT

To restore the name of Mrs. Mary Anglin of Randolph county, Ala., surviving widow of C. G. Anglin, a Confederate soldier, to the pension rolls and to pay to her all arrearages as a pensioner of the third class, from January 1, 1914, the date her name was stricken from the rolls to the date of the passage of this act.

Be it enacted by the Legislature of Alabama:

1. That the name of Mrs. Mary Anglin, a resident citizen of Randolph county, Alabama, and the surviving widow of C. G. Anglin, a confederate soldier, be restored to the confederate pension rolls of this State, the same having been improperly stricken therefrom in an investigation heretofore made by and under the direction of Hon. Emmet O'Neal, governor of this State, and after being restored, that she be entitled to all the rights and privileges granted to confederate pensioners.

2. That there is hereby appropriated for the relief of Mrs. Mary Anglin, the sum to which she would have been entitled as confederate pensioner of the third class, had her name not been stricken from the rolls, from January 1, 1914 up to the date of the approval of this act; and the State auditor is hereby directed to ascertain the amount to which she would have been so entitled, and to draw his warrant in her favor for such sum.

Approved September 18, 1915.

No. 550.)

(H. 1266—Neeley.

AN ACT

For the relief of T. G. Green of Lawrence county, Ala., for compensation and expenses incurred by him in the apprehension and transportation of St. Clair Jones, charged with the murder of Busk Willis from the State of Kentucky to the State of Alabama.

Section 1. Whereas on the morning of July 13th, 1913, St. Clair Wade (a negro) murdered Buck Willis (a negro), near Town Creek, Lawrence county, Alabama, and made his escape. A reward was offered for his arrest and delivery to the sheriff of Lawrence county. The published reward was for one hundred eighty dollars (\$180) and stated that the citizens of Town Creek would pay sixty dollars (\$60.00) of this reward and the State would pay one hundred twenty dollars (\$120.00). Under and by virtue of this reward, Mr. T. G. Green, of Lawrence county, Alabama, after considerable and money spent in fruitless trips to many different points, finally located him at Paris, Kentucky. He then went to Paris, secured the negro, brought him back to Lawrence county and delivered him to the sheriff. The negro was convicted at the following term of court and is now serving a life sentence for the crime. Through some misunderstanding between the then Governor and the solicitors of the district, the reward of the State was never paid, and there is no record in the Governor's office to show the reward was ever offered. The Governor then acting admits that he did offer a reward of one hundred dollars (\$100.00). Conditioned upon the recommendation of the solicitor, now therefore in consideration of the premises.

Be it enacted by the Legislature of Alabama:

That the Governor be and is hereby authorized to pay the said T. G. Green, out of his contingent fund, the sum of one hundred dollars (\$100.00) as a reward for the services rendered the State as above set out.

Approved September 18, 1915.

No. 551.)

(H. 1369—Davis.

AN ACT

To authorize the Governor to issue and sell one million five hundred thousand dollars of five per cent coupon bonds of the State of Alabama in denominations of five hundred dollars each bearing interest at the rate of five per cent per annum, and to prescribe the manner in which said bonds are to be sold.

Be it enacted by the Legislature of Alabama as follows:

Thirty days after the adoption of the constitutional amendment authorizing the issuance of bonds for the retirement of the floating debt of the State the Governor is hereby authorized and empowered to have prepared and to issue one million five hundred thousand dollars of five per cent coupon bonds of the State of Alabama in denominations of five hundred dollars with interest payable semi-annually, which bonds shall be an obligation of the State to pay the principal of said bonds as hereinafter set out and interest as evidenced by coupons attached to said bonds, which said principal and interest shall be a charge against the revenues of the State not otherwise appropriated; said bonds shall bear the date of issuance, the date of payment, shall have attached thereto the coupons evidencing the interest to be due thereon and shall be issued in the following amounts the principal of which shall be made payable as follows: \$150,000 of said bonds shall be payable January 1st, 1920; \$150,000 January 1st, 1921; \$150,000 January 1st, 1922; \$150,000 January 1st, 1923; \$150,000 January 1st, 1924; \$150,000 January 1st, 1925; \$150,000 January 1st, 1926; \$150,000 January 1st, 1927; \$150,000 January 1st, 1928; \$150,000 January 1st, 1929. The said bonds shall be similar in form to other bonds issued by the State of Alabama and shall be signed by the Governor, attested by the Secretary of State and shall have the great seal of the State of Alabama attached thereto.

Sec. 2. Said bonds setting forth and containing the provisions as set out in section 1 of this act may be in form usual to bonds issued by the State of Alabama, and shall be prepared under the supervision and with the approval of the Governor, but said bonds shall not be held void nor the obligation of the State questioned on account of the form in which said bonds are issued. A copy of the said bonds together with the coupons thereunto attached shall be filed with the Secretary of State which copy shall be plainly marked "copy and cancelled."

Sec. 3. Be it further enacted that said bonds issued under and by authority of this act shall be exempt from State, county and municipal taxes.

Sec. 4. After said bonds have been prepared and are ready for sale the Governor shall cause to be advertised in three of the daily newspapers of the State and in at least two financial journals outside of the State that such bonds are ready for sale and delivery and calling for bids upon the entire issue of bonds or any portion thereof. Said advertisement of sale shall state

the date at which the bids will be opened which shall not be less than thirty days from the date of advertisement, the terms and conditions of the sale and the right to reject any and all bids made for said bonds. On the date set for the opening of the bids the Governor in the presence of the auditor and State treasurer shall open said bids and if a sufficient amount has been bid therefor shall make sale of said bonds to the purchaser or purchasers bidding the highest amount for the same provided that said purchaser or purchasers shall immediately pay the cash therefor and provided further that in the opinion of the Governor, the auditor and the treasurer the bonds have not sold for an amount less than their real value and in no event less than par.

Sec. 5. All bids for the bonds provided for in this act shall be accompanied by a certified check payable to the State of Alabama for ten per cent. of the amount of bonds bid for, which said certified checks shall be held by the Governor until the awarding of the bonds to the purchaser as provided in this act, and upon the awarding of the bonds to the successful purchaser the certified checks of the unsuccessful bidders shall be returned to them and the proceeds of the successful bidders may be accepted in part payment for said bonds provided the balance of said purchase money is immediately paid, and if not so paid then the proceeds of said certified checks of the successful bidders shall be paid into the State treasury as liquidated damages for the failure of such bidder to complete his contract of purchase.

Sec. 6. The Governor is hereby authorized and there is hereby appropriated for that purpose out of any moneys in the treasury not otherwise appropriated a sufficient amount to pay the costs incident to the issue and sale thereof including the necessary expenses of placing said bonds on the market, which costs and expenses the Governor shall itemize and file with the State auditor at the time the proceeds of said bonds are paid into the State treasury and upon the receipt of the proceeds thereof the Governor shall pay the same to the treasurer of the State of Alabama in the manner prescribed by law, thereupon the auditor upon the order of the Governor shall draw his warrant or warrants on the State treasurer for the costs incident to the issue and sale of said bonds including the necessary expenses of placing said bonds on the market.

Sec. 7. If for any reason the sale of said bonds herein provided is not made or completed at the time as hereinabove set out or if in the opinion of the Governor, the auditor and

the treasurer all of said bids for the purchase of said bonds should be rejected then the Governor is hereby authorized at any time to offer said bonds for sale in accordance with the terms and conditions as prescribed in this act, or if a portion of said bonds are for any reason not sold at the time of the advertisement or if a purchaser or purchasers should fail to comply with the terms thereof then the Governor is hereby authorized to readvertise and sell such bonds in accordance with the terms of this act.

Approved September 18, 1915.

No. 552.)

(H. 496—Byrd.

AN ACT

To amend section 6971 of the Code.

Be it enacted by the Legislature of Alabama, That section 6971 of the Code be so amended as to read as follows:

Any person who hunts on the land of another without first having obtained from the owner or agent thereof a written permission to do so shall be guilty of a misdemeanor, and on conviction, shall be fined not less than ten nor more than twenty-five dollars, provided that no written permission shall be requested of any person actually hunting in company with any owner or agent or any member of their family when hunting on lands owned or controlled by such owner or agent.

Approved September 18, 1915.

No. 553.)

(H. 1469—Doyle.

AN ACT

For the relief of Mrs. R. E. Gibson, age 76 years, widow of W. D. Gibson, an ex-Confederate soldier, being a resident of Clarke county, Alabama; whereas, Mrs. R. E. Gibson's name has been on the pension roll for Clarke county, Alabama, for several years, but her name was stricken from the roll by the State board of examiners, complaining that the name of W. D. Gibson had not been found on the rolls of Co. "I," 32nd Alabama Infantry, C. S. A., there being a mistake of the regiment by the board of examiners, it being a fact that the same W. D. Gibson volunteered and was a private soldier in Co. "A," 42nd Alabama Infantry Regiment, and the latter part of the war his regiment the 42nd Ala., and the 37th Ala. Regiment was consolidated, and at the end of the war W. D. Gibson was paroled at Greensboro, North Carolina, May, 1865.

Section 1. *Be it enacted by the Legislature of Alabama*, That the State auditor be and is hereby required to draw his

warrant on the State treasury of Alabama, for the sum of \$81.60 in favor of said Mrs. R. E. Gibson, the amount she would have drawn after the time her name was dropped from the roll to the first of July, 1915, to-wit: April 1st, 1914, \$16.00 to-wit July 1st, 1914, \$7.20, to-wit Oct. 1st, 1914, \$16.00, to-wit Jany. 1st, 1915, \$16.00, to-wit April 1st, 1915, \$16.00, to-wit July 1st, 1915, \$10.40; \$81.60, to be paid out of any balance in the pension fund of the State by the State treasurer thereof.

Sec. 2. That the probate judge of Clarke county, Alabama, and the other pension officers of the State are hereby required to restore the name of said Mrs. R. E. Gibson to the rolls in the class she belongs, that she may hereafter be allowed, and entitled to share in the distribution of the funds appropriated for the relief of needy Confederate soldiers, and widows of Confederate soldiers.

Approved September 18, 1915.

No. 554.)

(H. 1470—Doyle.

AN ACT

For the relief of Mrs. Margaret L. Powell, age 70 years, widow of John Powell, an ex-Confederate soldier, being a resident of Clarke county, Alabama; whereas, Mrs. Margaret L. Powell's name has been on the pension roll of Covington county, Alabama, for a long time but her name was stricken from the roll by the State board of examiners because she failed to give the No. of her husband's regiment, the application she made gave the command a Co. 'B' Beauregards Mississippi Volunteers, upon this vagueness her name was ordered stricken from the roll, her original application being properly made and filled out as required by law.

Section 1. *Be it enacted by the Legislature of Alabama,* That the State auditor be and is hereby required to draw his warrant on the State treasury of Alabama, for the sum of \$97.60 in favor of said Mrs. Margaret L. Powell, the amount she would have drawn after the time her name was dropped from the roll to the first of July, 1915.

To wit, January 1st, 1914.....	\$16.00
To wit, April 1st, 1914.....	16.00
To wit, July 1st, 1914.....	7.20
To wit, October 1st, 1914.....	16.00
To wit, January 1st, 1915.....	16.00
To wit, April 1st, 1915.....	16.00
To wit, July 1st, 1915.....	10.40

\$97.60

to be paid out of any balance in the pension fund of the State by the State treasurer thereof.

Sec. 2. That the probate judge of Clarke county, Alabama, and the other pension officers of the State are hereby required to restore the name of said Mrs. Margaret L. Powell to the rolls in the class she belongs, that she may hereafter be allowed and entitled to share in the distribution of the funds appropriated for the relief of needy Confederate soldiers, and widows of Confederate soldiers.

Approved September 18, 1915.

No. 555.)

(H. 1045—John.

AN ACT

To amend section 1279 of the Code of 1907.

Be it enacted by the Legislature of Alabama, That section 1279 of the Code of Alabama (1907) be and the same is hereby amended so as to read as follows: 1279. Markets, Regulation of. To establish, regulate and control markets and market houses, and to require and provide for the proper inspection of food products and articles offered for sale or barter within the police jurisdiction of the city or town and for the punishment of persons or corporations offering for sale unsound or unwholesome articles in markets or other places in the city or town, or within the police jurisdiction thereof; to inspect all dairies and the products of the same in the county in which the city or town or any part thereof is located, and the owner of which sells or disposes of milk or butter in such city or town, and to regulate the same, and the council may fix and prescribe the payment of a reasonable fee for such inspection; such council shall have the power to regulate the sale of meats, vegetables, fruits and other articles, and to prescribe the localities in which the same may be sold; provided, that in such municipalities having a population of not less than 13,000 and not more than 25,000 inhabitants, according to the last or any subsequent Federal census, any person shall have the right to keep and sell fresh meats in such localities in any grocery store, green grocery store, or other store of similar nature subject to the ordinances of the city regulating the slaughtering, inspecting and keeping and selling of such meats; and this right shall not be restrained or denied by the imposition of unnecessary, unreasonable or discriminatory regulations or excessive licenses; and provided, further, that in the territory outside of

the corporate limits and inside of the police jurisdiction of a municipality of the size above mentioned, any person shall have the right to sell fresh meats subject to inspection of such meats on the premises where sold and subject to the same sanitary and slaughtering regulations governing meats sold inside of the corporate limits and subject to a license to be fixed by the city.

Approved September 18, 1915.

No. 561.)

AN ACT

(H. 1561—Johnson.

For the relief of M. Sparks of DeKalb county for money paid by him for Fannie Watts, a Confederate pensioner under the law of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of forty-eight dollars be appropriated for the relief of M. Sparks of DeKalb county, Alabama, for money actually advanced by him for the support of Fannie Watts formerly a Confederate pensioner under the laws of Alabama, said amount hereby appropriated having never been heretofore paid by the State to said Fannie Watts.

Sec. 2. Be it further enacted, That upon the approval of this act by the Governor the auditor of the State shall draw his warrant on the State treasurer in favor of said M. Sparks for said amount hereby appropriated.

Approved September 18, 1915.

No. 562.)

AN ACT

(H. 1288—Hubbard.

To establish the twentieth judicial circuit, to be composed of the counties of Henry, Houston and Geneva; to fix the time and places of holding the courts; to prescribe rules of procedure and practice therein; to provide for the election and appointment of a judge and solicitor, and to fix their salaries.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established the twentieth judicial circuit, to be composed of the counties of Henry, Houston and Geneva.

Sec. 2. That the court in each of said counties shall be and remain open at all times; that four jury terms of court in each

of said counties shall be held each year, at which time grand and petit jurors may be empaneled for such number of weeks as may be necessary to dispose of the business pending, as follows: In the county of Henry, at Abbeville, on the fourth Monday in January; on the 12th Monday after the 4th Monday in January; on the 1st Monday in August and on the 10th Monday after the 1st Monday in August. In the county of Houston, at Dothan, on the 3rd Monday after the 4th Monday in January; on the 15th Monday after the 4th Monday in January; on the 3rd Monday after the 1st Monday in August and on the 13th Monday after the 1st Monday in August. In the county of Geneva, at Geneva, on the 7th Monday after the 4th Monday in January; on the 19th Monday after the 4th Monday in January; on the 7th Monday after the 1st Monday in August, and on the 17th Monday after the 1st Monday in August.

Sec. 3. That a grand jury for any regular jury term of the court may be dispensed with in the discretion of the trial judge. The grand jury impaneled at any regular jury term of the court may be recalled, after being discharged, at any time before the next regular jury term, or a new grand jury may be impaneled in the discretion of the trial judge.

Sec. 4. That the judge of said court may in chambers pass on all pleadings; all motions to set aside judgments or for new trials; all ex parte motions or ex parte proceedings of any character; and where the parties file written consent thereto; hear and determine all petitions for certiorari, supersedeas, quo warranto, mandamus, and all cases submitted on an agreed statement of facts, in which a jury trial is not authorized, or where a trial by jury is waived by the parties, and in any of such cases the order, ruling or judgment shall be written out and filed in the office of the clerk of the court of the proper county, and the same shall be entered on the minutes of the court as the judgment of the court.

Sec. 5. That this act shall go into effect immediately upon its passage and approval by the Governor, and the Governor shall immediately upon his approval appoint a judge and solicitor of said court, and the judge so appointed shall hold his office until his successor is elected and qualified at the next general election, and the solicitor shall hold his office until the next general election for solicitors, and the judge shall receive a salary of \$3,000.00 per annum, payable as other circuit judges are paid, and the solicitor shall receive a salary of \$2,400.00 per annum, payable as other circuit solicitors are paid.

Approved September 25, 1915.

No. 563.)

(H. 668—Wittmeier.

AN ACT

To fix the time and place for holding mass meetings, beat meetings or other meetings of the voters of political parties in Alabama held for the purpose of nominating candidates for public offices who are to be voted for in general elections or for the purpose of selecting delegates, committeemen, or other party representatives or agents, of such parties.

Be it enacted by the Legislature of Alabama:

Section 1. That when any political party shall desire to hold any mass meeting, beat meeting, or other meeting of the voters of such party for the purpose of nominating any candidate or candidates for public office, to be voted for in a general election in Alabama or for the purpose of selecting delegates, or other representatives to any convention which may select such candidates for public office, or when any such party shall desire to hold such mass meeting, beat meeting or other meeting of the voters of such party for the purpose of selecting committeemen, representatives, or other party officers of such party; all of such meetings shall be held at the times and places set out in section two of this act, and at no other times or places, and any person or persons who shall hold, attend or participate in the holding of any such meeting at any other time or place than as provided in section two hereof, or who shall otherwise violate the provisions of this act shall be guilty of a misdemeanor.

Sec. 2. That in presidential election years, such meetings shall be held in a hall, room or open place, at, or in the immediate vicinity of the voting place of the respective precinct or voting district, and on the second Tuesday in May. In other even numbered years, such meetings shall be held at such places on the second Tuesday in August. The general public are privileged to attend such meetings, but not to participate. Provided, however, that this act shall not apply where a special election is called for the election of a public officer, for which said party has no candidate, or where by death, resignation or otherwise a vacancy has occurred in any nomination made by such party; and provided, further this act shall not apply to municipal elections.

Became a law under section 125 of the Constitution.

No. 564.)

(H. 1458—Tunstall.

AN ACT

For the relief of J. D. Cromer, an ex-Confederate soldier, who was on the pension rolls prior to 1893, and whose name was dropped from the pension rolls from 1895 to 1902, both inclusive, through mistake.

Be it enacted by the Legislature of Alabama:

Section 1. That the State auditor is hereby authorized and directed to draw a warrant on the treasurer of Alabama, for one hundred and fifty dollars, in favor of J. D. Cromer, an ex-Confederate soldier, who was on the pension rolls prior to 1893, and whose name was dropped from the pension roll from 1895 to 1902, both inclusive, through a mistake.

Approved September 18, 1915.

No. 565.)

(H. 1448—Goode.

AN ACT

To repeal sections 5765, as amended by an act approved August 25th, 1909 (Pamphlet Laws of 1909, page 297); 5766, 5767, 5768; as amended by an act approved April 13th, 1911 (Pamphlet Laws of 1911, page 390); 5769, 5770, 5771, 5772, 5773, 5774, 5775, 5776, 5777, 5778, 5779, 5780, 5781, 5782, 5783, 5784, 5785, 5786, 5787, 5788, 5789, 5790, 5791, 5792, 5793, 5794, 5795, 5796, 5797, 5798, 5799, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814, 5815, 5816, 5817, 5818, 5819, 5820, 5821, 5822, 5823, 5824, 5825, 5826, 5827, 5828, 5829, 5830, 5831, 5832, 5833, 5834, 5835, 5836, 5837, 5838, as amended by an act approved August 20th, 1915; 5839, 5840, 5841, 5842, 5843, 7732, 7734, 7735, 7736, 7737, 7738, 7740, 7741, 7742, 7743, and 7744 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That section 5765, as amended by an act approved August 25th, 1909 (Pamphlet Laws of 1909, page 279); 5766, 5767, 5768, as amended by an act approved April 13th, 1911, (Pamphlet Laws of 1911, page 390); 5769; 5770; 5771; 5772; 5773; 5774; 5775; 5776; 5777; 5778; 5779; 5780; 5781; 5782; 5783; 5784; 5785; 5786; 5787; 5788; 5789; 5790; 5791; 5792; 5793; 5794; 5795; 5796; 5797; 5798; 5799; 5800; 5801; 5802; 5803; 5804; 5805; 5806; 5807; 5808; 5809; 5810; 5811; 5812; 5813; 5814; 5815; 5816; 5817; 5818; 5819; 5820; 5821; 5822; 5823; 5824; 5825; 5826; 5827; 5828; 5829; 5830; 5831; 5832; 5833; 5834; 5835; 5836; 5837; 5838; as amended by an

act approved August 20th, 1915; 5839; 5840; 5841; 5842; 5843; 7732; 7734; 7735; 7736; 7737; 7738; 7740; 7741; 7742; 7743 and 7744 of the Code of Alabama of 1907, be and the same are hereby repealed.

Approved September 20, 1915.

No. 566.)

(H. 1484—Johnston of Madison)

AN ACT

To provide for extension work in agriculture and home economics, by giving instruction to men, women and young people in the several counties in Alabama, by continuing and improving farm demonstration work, by organizing marketing clubs, by organizing and supervising boys' corn and pig clubs, girls, canning clubs, women's clubs in home economics and by conducting other extension work through other means. all with a view to making farm life more profitable and attractive; to secure for Alabama the full amount of the funds conditionally appropriated by Congress under the Smith-Lever extension act for extension work in agriculture and home economics; and to make appropriations for these purposes.

Be it enacted by the Legislature of Alabama:

1. In order to aid in diffusing among the people of Alabama in the several counties useful and practical information on subjects relating to agriculture and home economics; to provide for the continuance and improvement of farm demonstration work; for organizing live stock, marketing, and other agricultural clubs and otherwise assisting farmers in preparing for market and marketing their crops and live stock; for organizing and supervising boys' corn clubs and pig clubs, girls' canning clubs, home economics and other clubs for women; to encourage diversification of crops and better methods of farming and stock raising; to promote the welfare of the rural districts by other forms of agricultural and home economics extension work; and to secure for expenditure in Alabama the full amounts appropriated conditionally by the Congress of the United States under the agricultural extension act, approved May 8th, 1914, generally known as the Smith-Lever act for extension work in agriculture and home economics in the several states, the following sums shall be, and are hereby appropriated to the Alabama Polytechnic Institute, out of any money in the treasury not otherwise appropriated, for carrying out the purpose of this act: For the fiscal year beginning July 1st, 1917, and ending June 30th, 1918, \$20,000.00. For the fiscal year beginning July 1st, 1918 and ending June 30th, 1919, \$40,000.00.

2. These sums shall be expended under the general direction of the board of trustees of the Alabama Polytechnic Institute through its extension service for any expenses whatever relevant to the purposes of this act, and in such manner as to secure for extension work in Alabama in any year the maximum amount of the fund conditionally appropriated for that year by the Congress of the United States under the terms of the agricultural extension act, generally known as the Smith-Lever act, approved May 8th, 1914. If there should remain in any year any balance of the State appropriation after satisfying the requirements of the said Smith-Lever act of Congress, these balances may be used in providing quarters for the persons engaged in extension work in Alabama and for other purposes related to extension work. Any balance remaining unexpended on June thirtieth of any year shall be added to the amount available for the next ensuing year; any revenue incidentally derived from the sale of equipment or other articles shall be further applied to the purposes of this act.

3. The sums appropriated by this act shall be paid each year in equal quartely payments in advance on the first day of July, October, January, and April, respectively, to the treasurer of the Alabama Polytechnic Institute, on the requisition of the president of the said institute.

4. On or before the first day of January of each year the board of trustees of the Alabama Polytechnic Institute shall make a report to the Governor of Alabama on the work in execution of this act done in the fiscal year ending the thirtieth of the preceding June.

5. All laws and parts of laws in conflict with this act are hereby repealed, but nothing in this act shall be construed as repealing the act approved February 11th, 1915, for farm demonstration work in Alabama.

Approved Sept. 25, 1915.

No. 572.)

(H. 1344—Hudson.

AN ACT

To appropriate seven hundred one and 28/100 dollars for payment to the Western Union Telegraph Company for telegraphic services rendered to the State of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That there be and is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of

seven hundred one and 28/100 dollars, for payment to the Western Union Telegraph Company for telegraphic service rendered to the State of Alabama.

Sec. 2. That the sum above appropriated be paid by warrant drawn on the State treasury by the State auditor, and approved by the Governor, or so much thereof as is ascertained by the commission hereinafter provided.

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 18, 1915.

No. 573.)

(H. 774—Hubbard.)

AN ACT

To refund to the Standard Chemical & Oil Company, a corporation whose principal office is at Troy, Ala., money illegally paid for fertilizer tags, which were used on cotton seed meal sold by said company during the season of 1912.

Section 1. *Be it enacted by the Legislature of the State of Alabama*, That there is hereby refunded to the Standard Chemical & Oil Company, a corporation, whose principal office is at Troy, Alabama, the sum of twelve hundred and thirty (\$1,230.00) dollars, which amount was paid to the commissioner of agriculture of the State of Alabama, for fertilizer tags, the same having been used by said company on cotton seed meal sold as fertilizers during the season of 1912, the commissioner of agriculture having advised that it was necessary under the fertilizer laws as construed by the attorney general of the State of Alabama, which opinion was overruled by opinion of the Supreme Court, subsequent to the purchase and use of said fertilizer tags.

Sec. 2. That the auditor shall draw his warrant in favor of said company payable out of the funds arising from the sale of fertilizer tags, for said amount.

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 18, 1915.

No. 574.)

(H. 1570—Chamberlain.

AN ACT

For the relief of Frank L. Allen, of Mobile county, to refund certain moneys illegally collected from him in Mobile county, under an act approved April 6th, 1911, as a license as a retail dealer in liquor in the town of Citronelle.

Be it enacted by the Legislature of Alabama, That whereas, on January 1st, 1913, under an act approved April 6th, 1911, Frank L. Allen, of Mobile county, paid to the judge of probate of said county, as a license to carry on the business of a retail dealer in liquor, in the town of Citronelle in said county, for the year beginning January 1st, 1913, and ending December 31st, 1913, the sum of nine hundred dollars, of which twenty per centum or one hundred eighty and no/100 dollars (\$180.00) was by said judge of probate, paid into the treasury of the State of Alabama, and whereas after said payment and on the 16th day of January, 1913, the said Frank L. Allen was by the law and equity court of Mobile enjoined from carrying on said business in said town of Citronelle on the ground that the excise commission thereof, was without authority to issue licenses for the sale of liquor therein, which decree of injunction was thereafter affirmed by the Supreme Court of Alabama, and the license held to have been illegally issued, so that there is equitably due and owing by the State of Alabama to said Frank L. Allen, the said sum of one hundred eighty and no/100 dollars (\$180.00) less the pro-rata thereof, namely seven and 50/100 dollars, for the fifteen days that he carried on said business under said license, which sum so due is one hundred seventy-two and 50/100 dollars (\$172.50); the said sum of one hundred seventy-two and 50/100 dollars (\$172.50), is hereby appro-

priated out of any moneys in the State treasury, not otherwise appropriated, for the reimbursement of said Frank L. Allen, and the State auditor is hereby authorized and required to draw a warrant on the State treasurer for said amount in favor of the said Frank L. Allen, and forward same to the judge of probate of Mobile county to be by him turned over to the beneficiary of this act, the said Frank L. Allen. Or so much thereof as is ascertained by the commission hereinafter provided.

Sec. 2. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 18, 1915.

No. 576.)

(H. 956—McDonald.

AN ACT

For the relief of R. M. Martin. Whereas, R. M. Martin was employed by Captain R. F. Kolb, commissioner of agriculture and industries, as a special agent of the pure food and drugs department, and rendered splendid services as such agent, and whereas, under an opinion rendered by the attorney general, it was held that the said R. M. Martin was employed without warrant of law, although he did actually render the services, and, whereas, for two months, to-wit, November and December, 1912, the said R. M. Martin worked for the State, before the attorney general rendered his said opinion, as such special agent and should have received the sum of \$125.00 per month as his salary, and, whereas said salary was denied him and is still due and unpaid, therefore:

Be it enacted by the Legislature of Alabama:

Section One. That there be and hereby is appropriated out of any moneys in the treasury not otherwise appropriated the sum of two hundred and fifty (\$250.00) dollars. To be paid out of the funds appropriated for the maintenance of the department of agriculture.

Section Two. That the auditor be and he hereby is authorized and directed to issue his warrant to R. M. Martin for the sum of two hundred and fifty dollars to be paid out of any moneys in the treasury not otherwise appropriated.

Section Three. Provided, however, that the Governor, the Attorney General, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 17, 1915.

No. 577.)

(H. 1103—John.

AN ACT

To appropriate the sum of \$3,300.00 paid to the Alabama insane hospital for swamp and overflowed lands, the titles to which were adjudged by the courts to be invalid.

Be it enacted by the Legislature of Alabama:

That there is hereby appropriated the sum of \$3,300.00 to be paid to J. M. Beach, Sr., J. M. Beach, Jr., W. M. Beach, F. J. Jordan, and C. M. Jordan, or their assignees or transferees, being the amount of money paid by said parties to the State of Alabama for swamp and overflowed lands under conveyances executed by the Alabama Insane Hospital during the year 1907, the title to said lands having been adjudged by the courts of this State to be invalid. That the auditor is hereby directed to draw a warrant on the State treasurer in favor of each of the above named parties, or his assignees or transferee, for the amount of money paid by him on account of his purchase of said land.

Approved September 17, 1915.

No. 578.)

(H. 1378—Weakley.

AN ACT

To amend section two of an act entitled "An act to amend the Constitution of the State of Alabama so as to permit the issuance of bonds for the retirement of the floating debt of the State.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That section two of an act entitled "an act to amend the Constitution of the State of Alabama so as to permit

the issuance of bonds for the retirement of the floating debt of the State," approved July 27th, 1915, be amended so as to read as follows:

Sec. 2. That there shall be and there is hereby ordered to be held an election by the qualified electors of the State of Alabama on the 18th day of January, 1916, to vote on the proposed amendment to the Constitution of the State, which election shall be held under the laws and regulations prescribed for the holding of general elections in this State, and the Governor of the State shall by proclamation give notice of such election with a copy of the proposed amendment in similar manner as notices and proclamations are required to be given for general elections, and shall cause the same to be published once a week for eight consecutive weeks next preceding the election in a newspaper published in each county of the State in which a newspaper is published, and in counties where no newspaper is published the same shall be posted at the court house door in said county not less than eight weeks before said elections.

Approved September 17, 1915.

No. 580.)

(H. 966—Darden.

AN ACT

To authorize the courts of county commissioners, board of revenue, or other like governing bodies of the several counties of the State to work county and State convicts on the public roads and bridges of their respective counties to hire their county convicts to the governing bodies of other counties, to authorize the governing bodies of the several counties, to hire from the governing bodies of other counties their county convicts, and to authorize the governing bodies of the several counties to hire from the State of Alabama State convicts, for the purposes of working, grading, building and maintaining the public roads and bridges of the several counties of the State and to pay for such convict hire; and to employ the necessary guards to prevent the escape of convicts and to procure medical treatment for convicts so employed, and to purchase the necessary cells and equipment for the confinement of said convicts.

Be it enacted by the Legislature of Alabama:

Section 1. That the courts of county commissioners, boards of revenue, or other like governing bodies of the several counties of this State are hereby authorized to work county and State convicts on the public roads and bridges of their respective counties.

Sec. 2. That the courts of county commissioners, boards of revenue, or other like governing bodies of the several counties

of this State, are hereby authorized to hire their county convicts to, hire from, or exchange with, the several governing bodies of other counties, county convicts, under such agreement or contract as may be agreed upon by said governing bodies of the contracting counties, for the purposes of working, grading, building and maintaining the public roads and bridges of their respective counties.

Sec. 3. That the said governing bodies of the several counties of this State are authorized to hire from the State of Alabama any State convicts they may contract for from the State convict department for the same purposes as set out in section one of this act, upon such terms as may be agreed upon, and under such regulations as may be prescribed by the State convict department.

Sec. 4. That the said governing bodies of the several counties are authorized to purchase the necessary cells, tents, equipment and clothing, and to hire sufficient guards for the safe-keeping and maintaining the convicts on the public roads of the respective counties, and to procure the necessary and proper medical treatment of the convicts so employed.

Sec. 5. That the several governing bodies of counties which hire and work convicts as hereinabove provided are hereby authorized to pay for such hire out of any funds available for road and bridge building and improvement in their several counties.

Sec. 6. All laws and parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Approved September 21, 1915.

No. 582.)

(H. 997—Chamberlain.)

AN ACT

To authorize shipping from within the State of Alabama to points without the State of Alabama, spirituous, vinous and malt liquors, and other liquors and beverages, the sale of which is prohibited by the laws of the State of Alabama; to prescribe the condition under which same may be shipped, and to fix the time within which same may be shipped.

Be it enacted by the Legislature of Alabama:

Section 1. That the term "prohibited liquors" wherever used in this bill shall be so construed as to cover and include all spirituous, vinous and malt liquors, and other liquors and beverages prohibited by the laws of the State of Alabama to be sold, given away or otherwise disposed of, or kept for sale.

Sec. 2. That it shall be lawful for the owner of any prohibited liquors, whether the same has been seized by an officer or not, to ship or transport such prohibited liquors from any point within the State of Alabama to any point without the State of Alabama, provided the same is to be so shipped or transported in accordance with the terms of this act.

Sec. 3. That such liquors or beverages which have been seized by the sheriff of any county in the State of Alabama, or by the chief of police of any city, town or municipality in the State of Alabama, or by any other officer of the State of Alabama since June 30th, 1915, may be shipped from the place within the State of Alabama where such seized liquors now are to any point without the State of Alabama, provided that said place where such liquors are to be shipped is not within a prohibition district, such shipment to be made in accordance with the provisions and requirements of section five of this act.

Sec. 4. That any person, firm or corporation who has in his, their or its possession, any of such prohibited liquors, and which has not been seized by the sheriff of any county in this State, or by any chief of police of any city, town or municipality in this State, or by any other officer, shall have the right to ship or transport from any point within the State of Alabama to any point without the State, provided said point or place to which said shipment is made is not within a prohibition district, and provided such shipment or transportation is made and had in accordance with the provisions of section five of this act.

Sec. 5. That any of the prohibited liquors which are now in the custody of any sheriff of any county of the State of Alabama, or the chief of police of any city, town or municipality in the State of Alabama, or any other officer of said State, may be shipped or transported as provided for in this act in the following manner: The owner of such prohibited liquor which is in the possession of either of said officers shall notify such officer of his desire to ship such liquors to a point without the State of Alabama, such notice to set out the owner of the prohibited liquors, when and where the same was seized, the place to which the said owner desires to ship such prohibited liquors; upon such written statement being filed with said officer, he, the said officer, shall allow the said owner to ship said prohibited liquors provided that same were seized by such officer after June 30th, 1915, to some point without the State of Alabama, provided such place out of the State is not within a prohibition district. If the owner does so ship or transport such prohib-

ited liquors, he shall do so under the supervision and direction of the sheriff, chief of police, or other officer having control of the same, and such officer shall personally or by deputy, accompany said liquors from the place where same is now stored to the carrier to be used in transporting the same, and see that same is placed aboard said carrier for shipment to some point without the State and not within a prohibition district. Such officer shall see that a bill of lading is properly made out, which bill of lading shall show that the said prohibited liquors so shipped is billed to a point without the State of Alabama, and not within a prohibition district. Any person, firm or corporation having in his, their or its possession in the State of Alabama any of the prohibited liquors, which liquors have not been seized by an officer of the law and who shall desire to ship the same under the authority herein given, shall notify in writing the sheriff of the county in which such liquor is stored, or chief of police of the city, town or municipality in which said liquor is stored, or any other officer of such city or county where such liquors are stored, of his desire to so ship said prohibited liquors, and shall set out in such notice where such liquors are stored, the quantity of same, and such officer shall thereupon take charge of such liquor, and see that the same is shipped to a point without the State, and not within a prohibition district. Such shipment of prohibited liquors not seized shall be made in the same manner as are the shipments of the seized prohibited liquors.

Sec. 6. The owner of such prohibited liquors so shipping the same from within the State shall pay all costs attached to hauling such liquors to the carrier, and loading same on the carrier, and freight on same to point of destination, and shall also pay whatever fees are due the officers for superintending the shipping of the same, such fees to be five dollars for each day or part thereof consumed in supervising said shipment and in no event shall the State of Alabama, or any city, town, or municipality or county thereof be taxed with any cost in connection herewith.

Sec. 7. The idea and intent of this act is to allow the owners of the prohibited liquors in this State, where the same has been seized after June 30th, 1915, and where same has not been seized at all, to ship the same out of the State of Alabama to some point in another State, which latter point must not be within a prohibition district, and to provide that such shipment shall be under the supervision of some officer of the law, so as to prevent any owner of any such prohibited liquors from

in any way evading the law and retaining any of such prohibited liquors within the State.

Sec. 8. That privilege to ship from within the State of Alabama to a point within another State of such prohibited liquors shall extend for a period of twenty (20) days from the approval of this act, and shall not apply to any liquors seized by any officer in this State prior to June 30th, 1915.

Sec. 9. No officer of the law or other person shall have any authority after twenty (20) days from the approval of this act to allow any person, firm or corporation to ship from within the State of Alabama to some point without the State of Alabama any of the prohibited liquors.

Approved September 17, 1915.

No. 583.)

AN ACT

(H. 1001—Chamberlain.

To render void any agreement permitting the bringing of suit before a justice of the peace in any precinct other than a precinct where said suit is authorized by the laws of this State to be brought, if said agreement is made before said suit is filed.

Be it enacted by the Legislature of Alabama:

Section 1. That any agreement permitting the bringing of a suit before a justice of the peace in any precinct other than a precinct where said suit is authorized by the laws of this State to be brought, shall be null and void, if made before the filing of the suit.

Approved September 17, 1915.

No. 584.)

AN ACT

(H. 1281—Stough.

To appropriate the sum of fifty-nine and 25/100 dollars to the Southern Typewriter Exchange, Montgomery, Alabama, to pay for work and labor and repairs done on typewriters belonging to the State of Alabama.

Be it enacted by the Legislature of Alabama:

That the sum of fifty-nine and 25/100 dollars is appropriated out of any moneys in the State treasury, not otherwise appropriated, to Southern Typewriter Exchange, Montgomery, Alabama, being to pay for work and labor done and repairs to typewriters owned by the State of Alabama.

Sec. 2. That upon the approval of this act by the Governor, the State auditor is directed to draw his warrant on the State treasury for the said sum of fifty-nine and 25/100 dollars.

Sec. 3. Provided, however, that the Governor, the Attorney General, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the Governor as to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 17, 1915.

No. 585.)

(H. 1641—Chamberlain.

AN ACT

To limit costs in civil suits other than unlawful detainer suits involving not more than fifty dollars (\$50.00) brought or instituted in inferior courts located or established in counties having a population of not less than 80,000 nor more than 100,000 according to the last Federal census or any subsequent Federal census.

Be it enacted by the Legislature of Alabama:

1. The provisions of this act shall refer to and apply only to inferior courts located or established in counties of Alabama having a population of not less than 80,000 nor more than 100,000 according to the last federal census or any subsequent federal census.

2. That in any civil suit involving not more than fifty dollars (\$50.00), other than unlawful detainer suits, instituted in any inferior court located or established in any county in this State having a population of not less than 80,000 nor more than 100,000 according to the last federal census or any subsequent federal census, the costs or the fees of the clerk of such court or of such court shall not exceed the sum of one dollar (\$1.00), and the fees of the sheriff for any and all services rendered by him shall not exceed one dollar (\$1.00).

3. That the idea and intention of this act is to limit the fees of the sheriff to \$1.00 and the court in which such suit is instituted to not more than one dollar (\$1.00) for all services rendered in connection with such suit and this act shall be so

construed as to have the effect of such intention and purpose.

4. That the fees herein allowed to the sheriff for services shall include all services to be rendered by him of every nature including the execution of writs or processes issued out of or by said court.

5. That if any section of this bill is declared to be unconstitutional, the same shall not affect the remaining or other sections of the act.

6. All laws, general, special or private, in conflict herewith are hereby repealed in so far as they relate to counties of the population hereinabove set out.

7. That this act shall include all inferior civil courts in counties having a population of not less than 80,000 nor more than 100,000 according to the last federal census or any subsequent federal census whether the same has jurisdiction of the entire county or only within a municipality thereof.

8. This act shall take effect immediately upon its passage and approval.

Approved September 17, 1915

No. 586.)

(H. 1327—Blackwell.

AN ACT

To appropriate the sum of nine hundred thirty and 46/100 dollars (\$930.46) to the Brown Printing Co. for printing and binding the biennial report of the railroad commission.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of nine hundred thirty and 46/100 dollars (\$930.46) is hereby appropriated out of any money in the State treasury not otherwise appropriated, to The Brown Printing Co. for printing and binding the biennial report of the railroad commission.

Sec. 2. That upon the approval of this act by the Governor, the State auditor is directed to draw his warrant in favor of said The Brown Printing Co. on the State treasurer for the said sum of nine hundred thirty and 46/100 dollars (\$930.46).

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the Governor as

to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 17, 1915.

No. 587.)

(H. 1113—Copeland.

AN ACT

For the relief of John G. Bradley, former clerk of the criminal court of Jefferson county.

That whereas John G. Bradley, while clerk of the criminal court of Jefferson county, on, to-wit, the 7th day of September, 1911, in compliance with the provisions of an act entitled "An act to regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collection by the clerk," approved August 26th, 1909 (Acts 1909, p. 213), did pay into the treasury of the State unclaimed witness fees theretofore collected by him as clerk of said court in the sum of one thousand one hundred thirty-five and 99/100 (\$1,135.99) dollars, upon the supposition that such payment was required by said act, and

Whereas, it has been decided by the Supreme Court, in the case of *Blake v. State*, ex rel. *Going*, et al., 178 Ala. 407, that the said act of 1909 was repealed by an act entitled "An act to regulate the disposition and disbursement of witness fees collected by clerks of courts of record and which fees have not been paid out to the parties entitled thereto within two years after collected by the clerk," approved April 5th, 1911, (Acts 1911, page 200), and held, in construing the two acts, that unclaimed witness fees were made payable to the county treasurer, and not to the State treasurer, and

Whereas, the treasurer of Jefferson county now demands of said John G. Bradley that said sum of one thousand one hundred and thirty-five and 99/100 (\$1,135.99) dollars be paid to him as such treasurer;

Now, therefore, be it enacted by the Legislature of Alabama, That the State auditor be, and is hereby authorized and required to draw a warrant on the State treasurer in favor of the treasurer of Jefferson county for said amount, and that the said war-

rant be paid by the State treasurer out of the funds of said State, whereupon the said John G. Bradley shall be relieved of all liability to Jefferson county for the payment of said sum.

Sec. 2. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated."

Approved September 20, 1915.

No. 588.)

(H. 475—Smith of Crenshaw.

AN ACT

For the relief of T. R. Folmar, captain of Company "I," Second Regiment, Alabama National Guard for hospital expenses incurred while on duty with the Alabama National Guard at Montgomery. Whereas, in the month of July, 1914, the Alabama National Guard was ordered into service for the purpose of instruction and training, and whereas, in obedience to orders the Alabama National Guard went into its annual encampment in the city of Montgomery, and T. R. Folmar, being a captain of infantry, while engaged in the duties of his said office at and during said encampment was taken suddenly and seriously ill and on account of insufficient hospital facilities at the military camp, said T. R. Folmar was carried to a local infirmary operated and maintained by private individuals, and whereas, T. R. Folmar on account of medical and surgical attention received while an inmate of said infirmary, was required to pay and did pay out of his private funds, the sum of one hundred, ten and no/100 (\$110.00) dollars; therefore,

Section 1. *Be it enacted by the Legislature of Alabama,* That the sum of \$110.00 is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of paying to the said T. R. Folmar the money so paid by him; and on the passage of this act the auditor is authorized and directed to draw his warrant on the treasurer in favor of the said T. R. Folmar for said sum of one hundred and ten dollars.

Approved September 17, 1915.

No. 589.)

(H. 1206—Grayson of Mobile.

AN ACT

To grant to owners of riparian lands upon navigable waters in the State of Alabama the right and privilege in front of their riparian lands, of installing wharves, docks, warehouses, sheds, tipples, chutes, elevators, conveyors and the like for receiving, discharging, storing, protecting, transferring, loading and unloading freight and commodities of commerce to and from vessels and carriers, and to use the riparian land in connection therewith, and to dredge out and deepen the approaches thereto and to charge and collect reasonable charges for the use thereof and to provide for the right to regulate such charges, and to provide for the exercise of the right of eminent domain.

Be it enacted by the Legislature of Alabama:

1. That any owner of riparian lands upon navigable waters in the State of Alabama shall have the right and privilege of installing in front of their respective riparian lands, wharves, docks, warehouses, sheds, tipples, chutes, elevators, conveyors and the like for receiving, discharging, storing, protecting, transferring, loading, and unloading freight and commodities of commerce to and from vessels and carriers, and shall have the further right to use their riparian lands in connection therewith, and to dredge out and deepen the approaches thereto, and to charge and collect reasonable tolls for the use thereof, provided, however, that all such structures are to be subject to such lines and limitations as may at the time of making such improvements be laid or placed by any authority of the United States, or of the State of Alabama who may have authority to control harbor and pier lines. Provided, further, that no such structure shall be built or maintained upon or over the lands of the State or lands underlying the navigable waters of the State, so as to in any wise unreasonably obstruct navigation, or the freedom of the use of the navigable water of the State for commerce and navigation, or for harbor purposes; nor shall any charge be exacted of any vessel, barge, boat or raft, either singly or in fleets, for anchoring, mooring, or tying up or remaining on the navigable waters, presumptive or established, either or both of them, or alongside of or on the lands, of the State abutting thereon or thereunder, not then occupied by the structures and improvements placed thereon or therein pursuant hereto; or in the waters in front of said wharves and other structures so long as the reasonable use of said wharves and other structures occupying the lands of the State, or the aforesaid navigable waters of the State, or the use of the approaches to said walls

and other structures, or the coaling of vessels using same, is not unreasonably restricted, interfered with or prevented thereby. Subject, however, to the further reservation and right of the Legislature or other authority constituted by it for such purpose, to vacate or cause to be vacated and repossess or cause to be repossessed by the State so much of said riparian lands belonging to it, as may be at any time necessary for use by the State or Federal government, in aid of navigation and commerce or for harbor purposes, or to insure the freedom and safety of navigation or the public or the property abutting upon the navigable waters of the State, but not otherwise, and to that end may proceed under its right of eminent domain as to any structures thereon, so that the right of the State and the public may be preserved and insured under section 24 of article 1 of the Constitution of Alabama. Provided, further that all tolls, imposts, charges and duties authorized hereunder for the use of said wharves and other structures occupying the lands of the State or connected therewith, at all times hereafter be subject to regulation and revision by the Legislature or other authority now existing or hereafter created by it for such purpose, together with the right and authority of the Legislature to fix and define or to delegate to an authority constituted by it the right and power to fix, define and prescribe reasonable tolls, imposts, charges and duties for the use of said wharves, and other structures, and to prevent unjust discriminations with respect thereto.

Approved September 22, 1915.

No. 590.)

(H. 1584—Morris.

AN ACT

To amend an act entitled an act "To regulate the sale of cotton seed meal," approved November 22nd, 1907.

Be it enacted by the Legislature of Alabama:

That section 1 be amended to read as follows:

Section 1. That any person, firm or corporation offering for sale any cotton seed meal in this State shall have tags attached to each bag with the guaranteed analysis of such meal printed thereon, and, in case of sale in bulk, shall have such analysis set forth in the contract of sale, stating the per cent of ammonia, phosphoric acid, potash and protein and fat con-

tained therein; and no cotton seed meal containing less than seven and one-half per cent of ammonia shall be sold as fertilizer in this State.

Sec. 2. That all cotton seed meal containing 8 per cent of ammonia and 45 per cent of protein and fat shall be stamped or tagged high grade, and all cotton seed meal offered for sale in bags or other packages or parcels which contain not less than seven and a half per cent of ammonia and not less than 43 per cent of protein and fat shall be stamped or tagged prime meal. All cotton seed meal offered for sale in sacks or bags or other packages or parcels which contain less than 7 per cent of ammonia and 35 per cent of protein and fat shall be classed and branded as low grade meal. Should any manufacturer of cotton seed meal increase the per cent of ammonia by adding nitrate of soda or sulphate of ammonia he shall be guilty of a misdemeanor, and on conviction, shall, in the discretion of the court forfeit their sale of contract.

Approved September 17, 1915.

No. 592.)

(H. 1302---Thompson of Baldwin.

AN ACT

To amend section five of an act entitled "An act to provide for the appointment of an official stenographer for the second judicial circuit of Alabama, and to prescribe his duties and to fix his compensation," approved August 9th, 1907, as amended by an act of the Legislature of Alabama, approved March 29th, 1911.

Be it enacted by the Legislature of Alabama:

Section 1. That section five of an act entitled "An act to provide for the appointment of an official stenographer for the second judicial circuit of Alabama, and to prescribe his duties and to fix his compensation," approved August 9th, 1907, as amended by an act of the Legislature of Alabama, approved March 29, 1911, be and the same hereby is amended to read as follows: Section 5: Said official stenographer shall receive eighteen hundred (\$1,800.00) dollars annually, payable in quarterly installments, in equal amounts, by the counties now or hereafter comprising the second judicial circuit of Alabama. The courts of county commissioners or boards of revenue of the respective counties now or hereafter comprising the said second

judicial circuit of Alabama are hereby required to provide for the payment of said salary in said quarterly installments.

Sec. two. That the provisions of this act shall terminate on and after the first Monday after the second Tuesday in January, 1917, and the general law governing court stenographers will then become the law concerning the stenographer for the second judicial circuit.

Approved September 22, 1915.

No. 596.)

(H. 1542—Davis.

AN ACT

To amend section 4950 of the Code of Alabama, A. D. 1907, vessels exempt from pilotage.

Be it enacted by the Legislature of Alabama:

That section 4950 of the Code of Alabama A. D. 1907 be amended as follows: (1) 4950. Vessels exempt from pilotage. All vessels, whether sail, steam or propelled by any other motive power, including vessels, barges and rafts in tow, engaged in coastwise trade and plying between ports on the Atlantic coast or the coast of the Gulf of Mexico and bay or harbor of Mobile, including those engaged in trade or plying upon the navigable rivers of the State of Alabama, shall be exempt from payment of any pilotage fee whatsoever, and shall not be required to have the services of a pilot in crossing the outer bar of Mobile Bay or navigating the waters of said bay or other navigable waters of the State of Alabama.

Approved September 17, 1915.

No. 597.)

(H. 1489—Kaylor.

AN ACT

To appropriate the sum of sixty dollars for the year ending Sept. 30th, 1913, and the further sum of sixty-nine dollars for the year ending Sept. 30, 1914, to H. M. Mickle, of Randolph county, a Confederate soldier, as a Confederate pension for such year.

Be it enacted by the Legislature of Alabama:

1. That the sum of sixty dollars for the year ending September 30, 1913, and the further sum of sixty-nine dollars for

the year ending September 30th, 1914, be and the same is hereby appropriated for the benefit of H. M. Mickle of Randolph county, a Confederate soldier, as a Confederate pensioner for said years; and the State auditor is hereby authorized and directed to draw his warrant for the sum of one hundred and twenty-nine dollars upon the State treasurer in favor of H. M. Mickle, and the State treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

Approved September 17, 1915.

No. 600.)

(H. 1209—Vaughan.

AN ACT

To appropriate the sum of "One hundred and seventy-one dollars" to the Brown Printing Co. for printing furnished the immigration commissioner and land agent.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the sum of one hundred and seventy-one dollars is appropriated out of any money in the State treasury not otherwise appropriated, to the Brown Printing Co., said amount being due for printing done for the immigration commissioner and the land agent.

Sec. 2. That upon the approval of this act by the Governor the State auditor is directed to draw his warrant on the State treasurer for the said sum of one hundred and seventy-one dollars.

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the Governor as to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 17, 1915.

No. 601.)

(H. 410—Kelley.

AN ACT

To appropriate out of the general funds of the State not otherwise appropriated the sum of fourteen hundred and fifty-five dollars (\$1,455.00) for the relief of the children of B. A. Forrester and J. S. Forrester, late partners under the firm name of B. A. Forrester & Brother, namely: Mrs. Theodosia Folke, R. B. Forrester, S. S. Forrester, V. T. Forrester, O. A. Forrester, H. G. Forrester, Mrs. Cenie Pilcher, W. R. Forrester, F. C. Forrester, Sibbie Forrester, F. F. Forrester, Mrs. Ottie Hodges, K. L. Forrester, Mrs. Elvie Copeland and Mrs. Ethel Cherry.

Whereas on the 12th day of September, 1902, the State of Alabama conveyed to B. A. Forrester & Brother, a firm composed of B. A. Forrester and J. S. Forrester, section 16, township 1, range 27, east, of land of what was then Henry county, but is now Houston county, Alabama, containing six hundred and forty acres, (640) more or less and, received from the said B. A. Forester & Brother, for said lands, the sum of one thousand four hundred fifty-five and no/100 dollars, (\$1,455.00), and, whereas at the time of said sale the State of Alabama, had no title to three-fourths ($\frac{3}{4}$) of said land, the same having been previously sold to John C. Knight, and whereas, since said date the said John C. Knight has paid the State of Alabama, for said land and received payment therefor from him, and whereas, the said B. A. Forrester and J. S. Forrester are dead.

Therefore, *Be it enacted by the Legislature of Alabama:*

Section 1. That there is hereby appropriated out of the general funds of the State of Alabama the sum of fourteen hundred and fifty-five dollars (\$1,455.00), to be paid to the children of B. A. Forrester and J. S. Forrester to-wit: Mrs. Theodosia Folkes, R. B. Forrester, S. S. Forrester, V. T. Forrester, O. A. Forrester, H. G. Forrester, Mrs. Cenie Pilcher, W. R. Forrester, F. C. Forrester, Sibbie Forrester, F. F. Forrester, Mrs. Ottie Hodges, K. L. Forrester, Mrs. Elvie Copeland and Mrs. Ethel Cherry.

Sec. 2. That the auditor of the State of Alabama shall, and he is hereby directed to draw his warrant on the treasurer of the State of Alabama, payable to Mrs. Theodosia Folkes, R. B. Forrester, S. S. Forrester, V. T. Forrester, O. A. Forrester, H. G. Forrester, Mrs. Cenie Pilcher, W. R. Forrester, F. C. Forrester, Sibbie Forrester, F. F. Forrester, Mrs. Ottie Hodges, K. L. Forrester, Mrs. Elvie Copeland, Mrs. Ethel Cherry, the children of the said B. A. Forrester and J. S. Forrester, for the sum of fourteen hundred and fifty-five dollars (\$1,455.00).

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the Governor as to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 17, 1915.

No. 602.)

(H. 1531—Darden.

AN ACT

To provide for the relief of Irby Collins and to make an appropriation therefor. Whereas, Irby Collins was tried and convicted in the county court of Clay, in 1911, on the charge of an assault with intent to murder James Hawkins, and sentenced to the penitentiary for five years, and the State received from said services one hundred and twenty-five dollars, net; whereas, after the said Irby Collins had served for the State under said sentence five months and eighteen days, a party by the name of Ves Collins confessed to the assault with the intent to murder the said Hawkins, and exonerating the said Irby Collins on said charge, and has served out said sentence or did serve same until he was paroled, or pardoned, therefore,

Be it enacted by the Legislature of Alabama:

1. That the State auditor be and he is hereby required to draw his warrant on the State treasurer of Alabama for one hundred and twenty-five dollars, payable to the said Irby Collins, and payable out of any funds not otherwise appropriated.

Sec. 2. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer, and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 17, 1915.

No. 605.)

(H. 1408—Youngblood.

AN ACT

To amend section 43 of the Code of Alabama, 1907 (relates to securing samples of fertilizers).

Be it enacted by the Legislature of Alabama:

1. That section 43 of the Code of Alabama, 1907, be and the same is hereby amended so as to read as follows: "43. (391) (143). *Samples; how produced.*—The commissioner of agriculture and industries shall be required to secure samples of each and every brand of fertilizer or fertilizer material and of each and every brand of feeds and to carry into execution the provisions of the produce law. In order to carry out these purposes he may employ two fertilizer samplers and feed samplers who shall be trained men in the sciences or the practice of agriculture, and, in addition to securing samples of each and every brand of fertilizer material and feeds offered for sale or exchange in Alabama, to assist in carrying out the provisions of the produce law, and may be required to hold farmers institutes over the State and to perform such other duties as the commissioner of agriculture and industries may require, and said samplers shall receive samples of each and every brand of fertilizers or fertilizer materials and every brand of feeds offered for sale or exchange in the State of Alabama. Samplers to be paid out of any moneys in treasury to the credit of the department of agriculture and industries, their salaries to be fifteen hundred dollars per annum and expenses, payable monthly, which shall be verified by affidavit and approved by the commissioner of agriculture and industries. Said samples of fertilizer to be procured in the following manner: Samples drawn with such an instrument as shall secure the core from the entire length of the package from lots less than ten packages from each sack, barrel or package, and from lots of ten packages or more, samples to be taken from not less than ten packages, and after thoroughly mixing the samples so drawn, he shall by the method known as quartering, draw from such thoroughly mixed samples, two sub-samples, and with them fill two sample bottles of not less than eight ounce capacity each, and shall plainly mark on each of said bottles the number of said sample, said number to correspond with the record kept by the commissioner in his office, giving the name of the fertilizer or fertilizer material, the name of the manufacturer, the guaranteed analysis, place where the sample was secured, the name of the party from whom the sam-

ple was taken, and the date of the sampling. One of said samples shall be retained by said commissioner of agriculture and industries in his office, the other of said samples, marked only by said number, shall be sent to the State chemist, who shall make a complete analysis of the same, setting forth and the percentages of water, soluble phosphoric acid, citrate soluble, phosphoric acid (for the sum together of these two components, constituting the available phosphoric acid, as may be required by the commissioner of agriculture and industries), available phosphoric acid, acid soluble (or insoluble) phosphoric acid, nitrogen and potash, or such of these constituents as may be present, and certify under the same number as marked, said analysis to said commissioner, which analysis shall be recorded as official and entered opposite the brand of fertilizer or fertilizer material, which the number represents; such official analysis of such fertilizer or fertilizer material under the seal of the commissioner of agriculture and industries shall be admissible as evidence in any of the courts of this State on trial of any issue involving the merits of such fertilizer or fertilizer material.

Approved September 22, 1915.

No. 606.)

(H. 1296—Stephenson.

AN ACT

For the relief of Mrs. L. A. Woodson, widow of Landon A. Woodson, an ex-Confederate soldier, being a resident of Walker county, Alabama.

Whereas Landon A. Woodson, who died on the 11th day of June, 1914, was a worthy ex-Confederate soldier and entitled to receive a pension from the State of Alabama, and

Whereas said Landon A. Woodson did on the 17th day of April, 1913, make application for a pension as such ex-Confederate soldier, and submitted his proof in support of such application, which proof was sufficient to entitle said Landon A. Woodson's name to be placed on the pension roll of the State, and

Whereas the proof so made by said Landon A. Woodson, was lost or misplaced by the pension board of Walker county, Alabama, to which board said proof was submitted, and

Whereas on account of the loss by said pension board of the proof so made by Landon A. Woodson, a pension was not granted or issued to said Woodson, although he was entitled to same from the 17th day of April, 1913.

Now therefore, *be it enacted by the Legislature of Alabama:*

Section 1. That the auditor of the State of Alabama be and he is hereby authorized and required to draw his warrant on the treasury of Alabama for one hundred (\$100.00) dollars, to be issued and payable to Mrs. Landon A. Woodson, the widow of Landon A. Woodson, an ex-Confederate soldier, for the pension money which should have been paid him from the 17th day of April, 1913, to the 11th day of June, 1914, said sum to be paid out of such money in the pension fund of the State as is not otherwise appropriated.

Approved September 22, 1915.

No. 610.)

AN ACT

(H. 880—Brindley.

To prevent the spread of tuberculosis by the creation of a tuberculosis commission, to provide for its organization and work, and to authorize the erection and maintenance of local hospitals under its supervision.

Be it enacted by the Legislature of Alabama:

Section 1. That there be hereby created a board to be designated the Alabama tuberculosis commission for the purpose of (a) Disseminating as widely as possible knowledge of tuberculosis and the methods of preventing and caring for the same. (b) Promoting and encouraging the establishment and maintenance of hospitals for the treatment of tuberculosis in such areas as may seem advisable and controlling the administration thereof. (c) Co-operating as fully as possible with all anti-tuberculosis organizations, and assisting in the activities of said organizations.

Sec. 2. Such commission shall have all the rights and powers necessary to, or promotive of the end of its creation, and shall be charged with all the corresponding liabilities and responsibilities thereof.

Sec. 3. Said commission shall consist of nine (9) members, of whom the State health officer shall be one (ex-officio). For the purpose of establishing said commission, the Governor within 30 days after the approval of this act, shall appoint eight (8) members, in addition to the State health officer, of these eight (8) members so appointed, two (2) shall hold office for one (1) year, two for two (2) years, two for three (3) years and two for four (4) years. Four members of the board shall always be physicians.

Sec. 4. When the term of any member appointed by the Governor under section 3 of this act shall expire, the remaining members shall, by written ballot, elect his successor. The member so elected shall hold office for the term of four (4) years, and until his successor is elected and qualified. If a vacancy occurs in any other manner than by natural expiration of the term of the member, said commission shall in like manner elect a member for said unexpired term. At every session of the Legislature, the secretary of said commission shall certify to the Senate the names of all who have been so elected since the last legislative session, and the Senate shall confirm or reject them. If the Senate shall reject the name of any member so certified, it shall thereupon elect a member in place of one so rejected. No member of said commission shall receive any pay or emolument other than actual expenses incurred in discharge of his duties as such, provided, that the commission, at its discretion, may pay from any funds at its disposal, a reasonable compensation to its secretary. Said secretary may be chosen from the membership of said commission.

Sec. 5. Five members of the commission shall constitute a quorum. Every member present shall be required to vote, and a majority of those so voting shall control. At their first meeting, to be held within fifteen days after the appointment of said members, said commission shall organize by the election of a president, a secretary and other necessary officers who shall hold office until their successors are elected and qualified.

Sec. 6. The commission shall meet at least once a year; they shall adopt regulations or by-laws fixing the time, place and manner of calling said annual meeting or other regular or any special meetings as may be advisable, and also by-laws necessary for the general control of its meetings or furthering the work of said commission.

Sec. 7. The proceedings of said commission shall be recorded in a suitable manner. The secretary shall be the executive officer of said commission. The certificate of the secretary, or, in his absence, of the president, shall entitle the several commissioners to receive from any funds at the disposal of said commission any compensation to which he may be entitled under the provisions of this act. Any necessary incidental expenses of the commission shall be paid from any funds at its disposal on the certificate of its secretary.

Sec. 8. It shall be the duty of the secretary to make to the Governor a full report of the transactions of said board embracing an itemized account of all receipts and disbursements.

Sec. 9. The said commission may acquire by gift, purchase or otherwise, any real or personal estate, necessary or suitable for furthering the purpose of its creation and existence, and may hold the same in trust or in fee, and control or dispose of the same for said purposes as may in its judgment seem best.

Sec. 10. The courts of county commissioners or boards of revenue of the several counties are hereby authorized to establish hospitals for the care of tuberculosis patients, and to provide for the payment of site, building and maintenance thereof, either separately or in connection with an adjoining county or counties.

Sec. 11. Whenever any county in which there has not already been established a public hospital for the care of tuberculosis patients other than a sanatorium designed only for incipient cases, desires to have such a hospital within its limits, it may do so in the following manner, to-wit: A petition addressed to the court of county commissioners or board of revenue shall be presented to voters of said county and shall be in substance as follows: "We, the undersigned legally qualified voters in the county of hereby respectfully petition your honorable board to establish a tuberculosis hospital within the limits of said county in accordance with the provisions of the law. We further petition that you provide funds in an amount not less than \$..... for acquiring a site, and for erection and maintenance of said hospital." Each person signing shall add the place of his residence to said signature. Said petition shall be presented to the judge of probate in said county, who shall proceed forthwith to ascertain the proportion which the number of names of legally qualified voters on said petition bears to the total number of votes cast at the last preceding general election in said county. If it shall appear to said judge of probate that said petition contains the signatures of legally qualified voters of said county, in numbers equivalent to a majority of those voting at the last general election preceding, he shall certify that fact to the court of county commissioners or board of revenue.

Sec. 12. When judge of probate has made such certificate to the court of county commissioners or board of revenue, the said court or board shall proceed forthwith to take the necessary action to acquire a suitable site for and erect thereupon a hospital for the care of tuberculosis patients who have passed the incipient stage, provided that said site and plans for said hospital shall first be approved by the Alabama tuberculosis commission. For the purpose of acquiring site for the location

of any hospital authorized by this act, the board of revenue or court of county commissioners in the county where the said hospital is to be located, shall have the power of condemnation, according to the law, of such land as said board deems suitable and has been approved by the Alabama tuberculosis commission.

Sec. 13. Within thirty days after said certificate has been made by the judge of probate to court of county commissioners or board of revenue, a hospital board, composed of three members shall be created in the following manner: The county commissioners shall elect one member thereof, the county board of health one member and the municipal government of the largest town or city in the county one member, each for the term of two years. Either of these bodies may refer the nomination to the county anti-tuberculosis association where such organization exists and is actually carrying on public service against tuberculosis. The person so chosen shall be of acknowledged probity, intelligence and approved interest in, and with knowledge of, tuberculosis. They shall serve without pay.

Sec. 14. Two or more contiguous counties acting through their respective boards of revenue or courts of county commissioners may have a joint tuberculosis hospital with the approval of the Alabama tuberculosis commission. The location and plans for said hospital shall be such as may be mutually agreed upon, subject to the approval of said Alabama tuberculosis commission. In case of such agreement between two contiguous counties, the hospital board shall consist of five (5) members to be selected in the following manner: One (1) by each of the boards of revenue or courts of county commissioners respectively, one (1) by the board of health of each county respectively and the fifth member shall be selected by these four (4) or in case they be unable to agree, by the Alabama tuberculosis commission. In case of such agreement between three (3) or more contiguous counties, the hospital board shall consist of one (1) member to be selected by the board of revenue or court of county commissioners of each of the counties so agreeing, an additional member to be selected from each county by the county board of health, and one (1) member to be selected by the Alabama tuberculosis commission. All members of hospital board shall hold office for two (2) years, or until their successors are appointed and qualified. They shall serve without pay. In case two or more counties unite to establish and maintain such a hospital, the cost of establishing the same shall be met by the respective counties in proportion to the total assessed

valuation of property in said counties. The cost of maintenance shall be met by the respective counties according to the sum of hospital days' treatment given to patients from said counties. A hospital day shall be twenty-four hours' residence of every several patient in the hospital, whether treated simultaneously or not. Amounts paid by patients themselves shall be credited to their several counties.

Sec. 15. Said hospital boards shall within ten days of their appointment, hold an executive session and proceed, after electing one of their members as chairman, to elect an executive secretary, who shall be superintendent of county tuberculosis hospital. He shall be a physician of adequate training who shall have made special study of tuberculosis and be familiar with the approved methods of identifying and treating the same. His salary and conditions of service shall be arranged by the hospital board. In counties whose population does not exceed 50,000, the superintendent may also serve as county health officer; provided, however, that if he holds both offices he shall not engage in private practice of medicine; that his salary shall be not less than \$2,500.00 per annum, and he shall employ himself in the defense of public health by watchfulness, by instructing the people concerning hygiene and infection, and that he adequately supervise the hospital. He shall report to the Alabama tuberculosis commission, and may be removed by action of that commission.

Sec. 16. Said hospital shall not be conducted in or in connection with any public poor-house.

Sec. 17. Any county tuberculosis hospital superintendent may receive tuberculosis patients in other than incipient stage of the disease from an adjoining county in which no public tuberculosis hospital has been erected. Provided, that the board of revenue or court of county commissioners of county from which such case comes shall guarantee the payment of the cost of treating such patients. All charges for such treatment shall be assessed and fixed by the hospital board with the approval of the Alabama tuberculosis commission.

Sec. 18. It shall be the duty of the board of revenue or court of county commissioners of each county to make suitable provisions for the care and isolation of every indigent case of tuberculosis other than in an insipient stage, either by providing a tuberculosis hospital within the county or by sending such patient to the nearest available hospital within the State and paying the cost thereof at the price fixed by the hospital board of such hospital. Provided that in case of disagreement as to

what the price should be an appeal shall lie to the Alabama tuberculosis commission, whose judgment shall be final.

Sec. 19. Whenever the population of the county includes more than 25% negroes, adequate provision shall be made for members of that race under the same management but in a distinct and separate section of the hospital or in a separate building.

Sec. 20. Any hospital established under this act shall be supported as far as possible by fees charged to patients to the amount of per capita cost of maintenance. But whenever a sufferer from tuberculosis, or those responsible for his support, have not the means to pay so much, the board shall accept less, and when a patient, or those responsible for his support, shall make oath before the hospital board of inability to pay, the said patient may be received without pay on the certificate of the hospital board of such inability. Provided that no patient shall be excluded on account of indigence and provided further that no difference shall be made between the paying and non-paying patients, in the allotting of bed, food and other benefits.

Sec. 21. All bills for the expense of maintenance of said hospital shall be paid by the court of county commissioners, or board of revenue as other bills contracted by said board are paid on certificate of the respective hospital boards.

Approved September 22, 1915.

No. 619.)

AN ACT

(H. 1054—White.

To amend sections 702, 703, subdivisions (a), (e), (h), and (j) of section 710, 713, 716 and 723 of the Code, of article 1, chapter 22 of the Code. Health Laws and Regulations.

Be it enacted by the Legislature of Alabama:

1. That section 702 of the Code be amended so as to read: 702. The State board of health shall, through its executive officer, have authority and jurisdiction:

(1) To exercise general control over the enforcement of the laws relating to public health;

(2) To investigate the causes, modes of propagation, and means of prevention, of endemic, epidemic, infectious and contagious diseases;

(3) To investigate the influence of localities and employments on the health of the people;

(4) To inspect all public schools, hospitals, asylums, jails, alms houses, theaters, opera houses, court houses, public halls, prisons, markets, public dairies, public slaughter pens or houses, depots, passenger cars, industrial and manufacturing establishments, and other public places and institutions of like character, and whenever unsanitary conditions in any of these places, institutions, or establishments, or conditions prejudicial to health, or likely to become so, are found, proper steps shall be taken to have such conditions corrected or abated.

(5) To examine the sources of supply, reservoirs, and avenues of conveyance of drinking water furnished to incorporated cities and towns, and whenever these waters are found polluted, or conditions are discovered likely to bring about their pollution, proper steps shall be taken to improve or correct conditions.

(6) To prescribe and publish rules for the sanitation of depots and passenger cars on all railroads in the State, including the territory contiguous to said railroads.

(7) To exercise general supervision and control over county boards of health and over county and municipal health officers in the enforcement of the public health laws of the State in their respective counties and municipalities.

(8) To notify the court of county commissioners, or board of like character, of any county, or the mayor and council of any municipality, whenever it appears that the health officer of such county, or municipality, is negligent, or inattentive to his official duties, whereupon, it shall be the duty of said county or municipal officials to suspend the payment of the salary of their health officer until such time as an investigation of the alleged negligence and inattention can be procured in accordance with sub-section (11) of section 703 of this Code. At the end of such investigation it shall be the duty of the State board of health, through its executive officer, to inform the court of county commissioners, or board of like character, or the mayor and council of any municipality, as the case may be, of the result of the investigation, which result shall be binding on the said court of county commissioners, or board of like character, or on the mayor and council of any municipality, as the case may be.

(9) To act as an advisory board to the State in all sanitary and medical matters.

2. That section 703 of the Code be amended so as to read:
703. It shall be the duty of county boards of health: (1) To supervise the enforcement of the health laws of the State in

their respective counties, including all ordinances legally adopted by said counties, and by all municipalities therein, and to supervise the enforcement of the law for the collection of vital and mortuary statistics in their respective counties and in all municipalities thereof. (2) To investigate through their committees of public health and health officers cases, or outbreaks, of any of the diseases enumerated in section 716 of this Code and to enforce such measures for the prevention, or extermination, of said diseases as are authorized by law. (3) To investigate through their committees of public health and health officers all nuisances to public health against which complaint has been alleged and whenever a complaint is ascertained to be well founded they shall, through said committees and health officers, take such steps for the abatement of the nuisance complained of as the law provides. (4) To exercise through their committees of public health and health officers special supervision over the sanitary conditions of public schools, hospitals, asylums, jails, almshouses, theatres, opera houses, court houses, prisons, markets, public dairies, slaughter pens or houses, and depots and passenger cars on all lines of railroads in their respective counties, including the territory contiguous to said lines of railway; also, over the sources of supply, reservoirs, and avenues of conveyance of drinking water furnished to incorporated towns in their respective counties; and whenever unsanitary conditions are found in any of these places or institutions, it shall be the duty of the executive officer, or other official, of the State board of health, to order the county or municipal health officer under whose jurisdiction the unsanitary condition is found to use all authority in his power to have the same abated. (5) To elect a health officer for the county and to fix his term of office, provided that it be not fixed at less than three years, the jurisdiction of which officer shall extend to all parts of the county except such as are comprised within the limits of incorporated cities or towns within the county; provided further that a county health officer shall be eligible for election to the position of health officer of any one or more of the municipalities within the county; (6) To elect a health officer for every incorporated city and town in the county and to fix his term of office, provided that it be not fixed for a shorter period than three years. For all health officers so elected the authorities of the respective cities and towns shall fix fair salaries. (7) To elect physicians to attend the inmates of the county poor house and jail and to fix the terms of office of such physicians, provided that they be not fixed for shorter periods than three

years, and provided further that both of said positions may be filled by the same physician, or by the county health officer. The court of county commissioners or other board of like character shall fix fair salaries for such physicians as may be elected to fill said positions, or for the county health officer should he be elected to fill said positions, or any one of them. (8) To require the county health officer to submit to the judge of probate and county commissioners or other board of like character monthly reports, and also an annual report, on blank forms to be supplied by the State board of health, giving a full and complete account of all public health and sanitary work done in the county, together with such information, suggestions, and recommendations in regard to the protection of the health of the people as said board may deem proper, provided that the annual report shall include the vital and mortuary statistics of the county and of all municipalities therein. (9) To require the health officer of every municipality in the county to submit to the mayor and council of his municipality monthly reports on blanks prescribed by the State board of health, containing full information as to prevailing health and sanitary conditions; also, an annual report, likewise on blanks prescribed by the State board of health, containing full and complete information of all public health and sanitary work done in the municipality for the preceding year, which report shall include the vital and mortuary statistics of the municipality and such other information, suggestions, and recommendations in regard to the protection of the health of the people as said board may deem proper. (10) To require the county health officer to forward to the State board of health by or before the 10th day of each calendar month a report of all births and deaths, specifying the causes of the latter that have occurred in the county, including all municipalities therein, for the preceding month; also, by or before the first day of March of each year an annual report containing a full account of all public health and sanitary work done in the county during the preceding year, which report shall include the vital and mortuary statistics of the county and of all municipalities therein; and may contain such other information, suggestions, and recommendations in regard to the protection of the health of the people as said board may deem proper. (11) To investigate the charges and specifications against health officers—county or municipal—as follows: Whenever a member of a county medical society, the executive officer of the State board of health, or other person, submits written charges and specifications against the health officer of

a county, or the health officer of a municipality therein, to such society, the president of the society shall refer the charges and specifications, without discussion, to the board of censors of the society for investigation and report, and shall instruct the secretary of the society to furnish the health officer, against whom charges and specifications are submitted, and the board of censors to which they were referred, certified copies thereof. The board of censors shall then appoint a time and place for investigating the charges and specifications and shall notify the health officer concerned and the party or parties making the charges and specifications of the time and place for the hearing; and shall further notify said parties that they will be accorded the privilege of being heard in person, or by counsel, or both, and of introducing such witnesses and written testimony as may be germane to the questions at issue. When the investigation has been completed and the board of censors is ready to report, it shall notify the president of the county medical society of that fact, whereupon, the president shall call a meeting of the society, unless the time for a regular meeting be near at hand, giving the members not less than five full days notice thereof and explaining to them the object of the meeting. When the county medical society meets in accordance with such notice, the board of censors shall submit a complete and circumstantial report of the investigation with which it was charged. After hearing the report and after such discussion thereof as may be deemed proper by the presiding officer, the society may take action in either of the following ways: (a) It may entirely exonerate the health officer; (b) It may censure him; (c) It may impose a forfeiture of salary for such period of time as the society may deem just and proper; (d) It may remove the health officer from his position to take effect in not less than ten nor more than fifteen days, all ballots being taken by ayes and noes and recorded in the minutes of the meeting. When the verdict rendered is removal from office, it shall be the duty of the county society to hold another meeting before the time arrives for the health officer to retire from office for the purpose of electing a successor, provided that the officer just removed shall not be eligible to succeed himself.

3. That subdivisions (a), (e), (h) and (j) of section 710 of the Code be amended so as to read: It shall be the duty of the health officer of a municipality: 710.—Sub-division (a). To keep, under regulations prescribed by the State board of health, a book to be styled the register of births, in which he shall register, so far as reported to him, the sex, race, and color

of every child born in the municipality, the date of such birth, the name or names, age or ages, race, color, and occupation of the parent, or parents, together with such other details as said regulations may require; also, a book to be styled the register of deaths, in which he shall register the names, so far as reported to him, of all persons who die in the municipality, specifying the date, place, and cause of death, also, the sex, color, race, previous occupation, and so far as can be ascertained, the age of each deceased person, together with such other details as may be required by said regulations; also, a book to be styled the register of infectious diseases, in which he shall register, so far as reported to him, the name, age, sex, color, race, occupation, and place of residence, together with such other details as may be required by said regulations of all persons who may be attacked by any of the diseases enumerated in section 716 of this Code; all of which registers shall be furnished by the authorities of the municipalities, and when filled, shall be filed by the health officer of the municipality in the office of the judge of probate in the county, who shall receipt therefor, and which receipts shall be forwarded by the municipal health officer to the State health officer for permanent filing. Sub-division (e). To make a general inspection of the municipality once each month and should he discover any unsanitary conditions it shall be his duty to cause such unsanitary conditions to be abated in so far as he is authorized by law; to visit the municipal prisons and any charitable institutions under the control of the municipality once each month, and to make a careful investigation as respects the drinking water, the food, the clothing and bedding, supplied to the prisoners or inmates; also, as to the ventilation, air space, heating and bathing facilities, closets, drainage, drinking water, etc., of these institutions and when any of said supplies are found to be inadequate in quantity, or bad in quality, or any of said conditions unsanitary, it shall be his duty to make, in writing, a circumstantial report thereof to the mayor and council of the municipality and to forward duplicates of said report to the county board of health and to the State health officer. Sub-division (h) To make to the municipal authorities and to the county board of health such reports of his official acts and at such times as said authorities and said board may prescribe. Sub-division (j) To attend conferences of health officers when summoned by the State health officer so to do, and to discharge such other health functions as are, or may be, required of him by law.

4. That section 713 of the Code be amended so as to read:
 713. Certificate of Death. A certificate of death for each person who dies shall be made out by the physician who last attended the deceased, in accordance with a form prescribed by the State board of health. In cases in which a physician was not in attendance a certificate of death may be made out and signed by any licensed physician on information furnished by a member of the family of the deceased person, or by other person, provided that when reasons exist for suspecting that the deceased person did not die from natural causes neither the attending physician nor other licensed physician shall furnish a certificate of death, but shall advise that a coroner be summoned to hold an inquest over the body.

5. That section 716 of the Code be amended so as to read:
 716. The diseases named the spread of which is to be controlled by law and the conditions described that may be abated by law. Should the disease, the investigation of which is provided for in section 715 of this Code, prove to be actinomycosis, anthrax, beri-beri, chicken-pox, cholera (Asiatic), dengue, diphtheria, (membranous croup), roetheln (German measles), glanders, hydrophobia, leprosy, malaria, measles, meningitis, (epidemic cerebro-spinal), mumps, ophthalmia, neonatorum (conjunctivitis of new born infants); pellagra, plague, poliomyelitis (infantile paralysis), scarlet fever, small-pox, tetanus, trachoma, trichinosis, tuberculosis (pulmonary), typhoid fever, typhus fever, whooping cough, yellow fever, or of other nature believed to be grave and at the same time contagious, infectious, or pestilential in character, or if the disease be known to be either one just enumerated and be so reported, the health officer of the county, city or town shall promptly notify, in writing, the judge of probate and commissioners, or other board of like character, of the county, the mayor or intendant and the council of the city or town, according to the location of the disease, of the presence and extent of prevalence of the disease, and said health officer shall accompany such notification with such recommendations as he may deem necessary to prevent the spread of the disease, calling into consultation with him from time to time, the committee of public health of the county board of health. Upon receipt of such notification and recommendation said county, city, or town officials, as the case may be, shall after consultation with the health officer in charge, and if need be, with the committee of public health of the county board of health, appropriate such funds, or assume responsibility for such expenditures, as may be found necessary to prevent

the spread of the disease. If authorized to incur the necessary expense, the health officer of the county, city, or town in which the disease is located shall proceed to direct and supervise the enforcement of the measures of extermination of the disease authorized by the county, city, or town authorities concerned, whether such measure shall apply to persons sick of, or convalescent from, the disease or to those who have been exposed thereto. All employees needed to enforce the measures of control shall, subject to the approval of the committee of public health of the county board of health be selected and employed by the health officer in charge and shall be subject to removal by said officer or officers, likewise on approval of the committee of public health of the county board of health. Whenever any of the diseases enumerated in this section, or one suspected of being such, appears in a county, incorporated city, or town under such conditions and surroundings as to render it imperative that prompt and immediate measures to prevent its spread be enforced, the health officer of such county, incorporated city, or town, as the case may be, shall have the right to institute and enforce such measures, subject to the approval of the committee of public health of the county board of health. Likewise, when any cause of disease, or any condition likely to become a cause, exists in a county, or in a municipality, the board of county commissioners or other like board, or the mayor and council, according to the location of said cause of condition, shall on the recommendation of the county health officer, or on that of the municipal health officer, as the case may be, possess, and at their discretion may exercise, the right of appropriating and expending such funds as may be necessary to remove or abate said cause or condition. If, however, the cause or condition be due to neglect or inattention on the part of one or more persons, the cost of abatement shall be taxed against the party or parties responsible therefor and collected as other taxes are collected.

6. That section 723 of the Code be amended so as to read: 723. Inspection of places where food is sold. The State board of health shall prescribe rules for the inspection of all public grocery houses, markets, restaurants, lunch stands, eating places, public dining rooms, together with pantries, kitchens, and yards belonging thereto, and shall furnish copies of said rules to county boards of health and to county and municipal health officers, whereupon, it shall be the duty of said county boards of health, county and municipal health officers, to enforce such rules. Once every month the county and municipal

health officers may announce publicly all places inspected during the previous month which have been found in good sanitary condition.

Approved September 22, 1915.

No. 623.)

(H. 1413—Davie.

AN ACT

To amend section 7564 of the Criminal Code of Alabama.

Be it enacted by the Legislature of Alabama:

That section 7564 of the Code of Alabama be amended so as to read as follows: Section 7564. Practicing medicine without license; penalty for.—Any person who treats, or offers to treat diseases of human beings in this State by any system of treatment, whatsoever, without having obtained a certificate of qualification from the State board of medical examiners, shall be guilty of a misdemeanor, and upon conviction, shall be fined for each offense not less than fifty nor more than five hundred dollars and may be imprisoned for not less than one month nor more than three months. And where indictments are preferred by a grand jury such cases shall only be tried in the court wherein the indictment is preferred, and shall not be transferred to any other court.

Approved September 22, 1915.

No. 626.)

(H. 142—Weakley.

AN ACT

To make uniform the law of warehouse receipts, to define warehouse receipts, and to provide a uniform law for the issuing, assignment or transfer of such receipts, and to fix the rights and liabilities of all parties to, or connected with, the issue, assignment, transfer or negotiation of such receipts, and to regulate the same.

Be it enacted by the Legislature of Alabama:

Section 1. Warehouse receipts may be issued by any warehouse.

Sec. 2. Warehouse receipts need not be in any particular form, but every such receipt must embody within its written or printed terms, (a) The location of the warehouse where the goods are stored, (b) The date of issue of the receipt, (c) The

consecutive number of the receipt, (d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order, (e) The rate of storage charges, (f) A description of the goods or of the packages containing them, (g) The signature of the warehouseman, which may be made by his authorized agent, (h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and (i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient. A warehouseman shall be liable to any person injured thereby, for all damages caused by the omission from a negotiable receipt of any of the terms herein required.

Sec. 3. A warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not—(a) Be contrary to the provisions of this act. (b) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

Sec. 4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Sec. 5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt. No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

Sec. 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Sec. 7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable" or "not negotiable." In case of the warehouseman's failure so

to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable. This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Sec. 8. A warehouseman in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with (a) An offer to satisfy the warehouseman's lien, (b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt, and (c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman. In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

Sec. 9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is—(a) The person lawfully entitled to the possession of the goods, or his agent, (b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either indorsed upon the receipt or written upon another paper, or (c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

Sec. 10. When a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said subdivisions he shall be liable, if prior to such delivery he had either (a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or (b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

Sec. 11. Except as provided in section 36 where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

Sec. 12. Except as provided in section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

Sec. 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was (a) Immaterial, (b) Authorized, or (c) Made without fraudulent intent. If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration. Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

Sec. 14. Where a negotiable receipt has been lost or damaged, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable costs and counsel

fees. The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

Sec. 15. A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

Sec. 16. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

Sec. 17. If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

Sec. 18. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

Sec. 19. Except as provided in the two preceding sections and in sections 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

Sec. 20. A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind,

or that the packages containing the goods are said to contain goods of a certain kind, or words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

Sec. 21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

Sec. 22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited.

Sec. 23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

Sec. 24. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

Sec. 25. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Sec. 26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Sec. 27. Subject to the provisions of section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, coopering and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Sec. 28. Subject to the provisions of section 30 a warehouseman's lien may be enforced—(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and (b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person has been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

Sec. 29. A warehouseman loses his lien upon goods—(a) By surrendering possession thereof, or (b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

Sec. 30. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt unless the receipt expressly enumerates other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section 27, although the amount of the charges so enumerated is not stated in the receipt.

Sec. 31. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

Sec. 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

Sec. 33. A warehouseman's lien for a claim which has become due may be satisfied as follows: The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman

to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due, (b) A brief description of the goods against which the lien exists, (c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and (d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place. In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein. From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods. At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges

thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

Sec. 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, breakage, inflammability, or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof. The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

Sec. 35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

Sec. 36. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

Sec. 37. A negotiable receipt may be negotiated by delivery — (a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or (b) Where, by the terms of the receipt the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer, where, by the terms of a negotiable receipt the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

Sec. 38. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

Sec. 39. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

Sec. 40. A negotiable receipt may be negotiated (a) By the owner thereof, or (b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

Sec. 41. A person to whom a negotiable receipt has been duly negotiated acquires thereby—(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and (b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

Sec. 42. A person to whom a receipt has been transferred but not negotiated acquires thereby, as against the transferor the title of the goods, subject to the terms of any agreement with the transferor. If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt. Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser

from the transferor of a subsequent sale of the goods by the transferor.

Sec. 43. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Sec. 44. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants. (a) That the receipt is genuine, (b) That he has a legal right to negotiate or transfer it, (c) That he has knowledge of no fact which would impair the validity or worth of the receipt, and (d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

Sec. 45. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Sec. 46. A mortgagee, pledgee or holder for security of a receipt who in good faith demands or receives payment of the debt for which receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

Sec. 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

Sec. 48. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof

by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

Sec. 49. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

Sec. 50. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues, or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Sec. 51. A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Sec. 52. A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate" except in the case of a lost or destroyed receipt after proceedings as provided for in section 14, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

Sec. 53. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does

not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Sec. 54. A warehouseman, or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in section 14 and 36, be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

Sec. 55. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage must on conviction be punished as if he had stolen the same.

Sec. 56. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Sec. 57. This act shall be so interpreted and construed as to effectuate, its general purpose to make uniform the law of those states which enact it.

Sec. 58. (1) In this act, unless the context or subject-matter otherwise requires—"Action" includes counter claim, set off, and suit in equity. "Delivery" means voluntary transfer of possession from one person to another. "Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit. "Goods" means chattels or merchandise in storage, or which has been or is about to be stored. "Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein. "Order" means an order by indorsement on the receipt. "Owner" does not include mortgagee or pledgee. "Person" includes a corporation or partnership or two or more persons having a joint or common interest. To "purchase" includes to take as mortgagee or as pledgee. "Purchaser" includes mortgagee and pledgee. "Receipt" means a warehouse receipt. "Value" is any consideration sufficient to support a

simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor. "Warehouseman" means a person lawfully engaged in the business of storing goods for profit. (2) A thing is done in "good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

Sec. 59. The provisions of this act do not apply to receipts made and delivered prior to the taking effect of this act.

Sec. 60. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 61. This act may be cited as the Uniform Warehouse Receipts Act.

Approved September 25, 1915.

No. 627.)

(S. 308—Judge.

AN ACT

To propose and submit to the qualified electors of the State of Alabama at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed, an amendment to the Constitution of Alabama whereby the city of Birmingham may levy and collect a rate of taxation on the property situated therein not exceeding in the total in any one year one and one-half per centum of the value of such property assessed as provided by the Constitution and the statutes now or hereafter enacted pursuant to the Constitution, but provided that the total rate of taxation levied by said city shall not in any one year exceed one per centum per annum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of said city at elections to be held from time to time for such purpose, and to provide for such elections.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: "The city of Birmingham may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year, one and one-half per centum of the value of such property, assessed as provided by the Constitution, and the statutes now or hereafter enacted pursuant to the Constitution. But provided that the total rate

of taxation levied by the city of Birmingham shall not, in any one year, exceed one per centum per annum unless the rate in excess of one per centum for such year, shall have been submitted by the governing body of said city to the qualified voters of said city, at an election held within such year or within three years prior to the beginning of such year, and shall have been authorized for such year by the majority vote by ballot of the qualified voters of said city voting upon such proposition. And an increase in the rate of taxation, in excess of one per centum per annum, may be authorized at one election for one year, or for two or three successive years, and if, for more than one year, at the same or different excess rates for the respective years. In the event an excess rate submitted for any year or years shall not be so authorized at any election, a new lower excess rate for such year or years may be submitted by the governing body of said city to the qualified voters of said city for like authorization at a subsequent election or elections held at any time or times thereafter. Each election held under the provisions hereof shall be ordered, held, canvassed, and contested in the same manner as is or may be provided by law, applicable to said city, for elections to authorize the issuance of municipal bonds. Ballots used at such elections shall contain the words "For excess rate of taxation for the year (or years); and "Against excess rate of taxation for the year (or years)". The rate of taxation proposed in excess of the rate of one per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor; and, in the event different excess rates are proposed for different years, the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross-mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holder of bonds of said city heretofore issued."

Sec. 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment. Before making such proclamation the Governor shall ascertain

the cost of publishing the notice as herein required and shall certify the amount of such cost, so ascertained by him to the governing body of the city of Birmingham, and thereupon the governing body of the city of Birmingham shall pay or cause to be paid into the State treasury the sum of money so certified to them by the Governor for the purpose of paying the cost of the publication of the notice required by this act.

Sec. 3. That at the said election, on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election, there shall be printed the following, viz.: "Shall the following be adopted as an amendment to the Constitution of Alabama: 'The city of Birmingham may levy and collect a rate of taxation, on the property situated therein, not exceeding in the total in any one year, one and one-half per centum of the value of such property assessed as provided by the Constitution, and the statutes now or hereafter enacted pursuant to the Constitution. But provided that the total rate of taxation levied by the city of Birmingham shall not, in any one year, exceed one per centum per annum, unless the rate in excess of one per centum for such year, shall have been submitted by the governing body of said city to the qualified voters of said city, at an election held within such year or within three years prior to the beginning of such year, and shall have been authorized for such year by the majority vote by ballot of the qualified voters of said city voting upon such proposition. And an increase in the rate of taxation, in excess of one per centum per annum may be so authorized at one election for one year, or for two or three successive years, and if, for more than one year, at the same or different excess rates for the respective years. In the event an excess rate submitted for any year or years shall not be so authorized at any election, a new lower excess rate for such year or years may be submitted by the governing body of said city to the qualified voters of said city for like authorization at a subsequent election or elections held at any time or times thereafter. Each election held under the provisions hereof shall be ordered, held, canvassed, and contested in the same manner as is or may be provided by law, applicable to said city, for elections to authorize the issuance of municipal bonds. Ballots used at such elections shall contain the words "For excess rate of taxation for the year (or years)" and "Against excess rate of taxation for the year (or years) " The rate of taxation proposed in excess of the

rate of one per centum to be shown in the blank space provided therefor, and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor; and in the event different excess rates are proposed for different years, the words mentioned shall be repeated as often as may be necessary to show separately the different excess rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown, by placing a cross-mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holder of bonds of said city heretofore issued.' " Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross-mark made by him or under his direction opposite the word expressing his desire.

Sec. 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the elections shall be held in all things in accordance with the law governing general elections and with the constitutional provisions concerning amendments to that instrument.

Sec. 5. That the votes cast at said election shall be counted, canvassed and tabulated and returns thereof made to the secretary of State in the manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Sec. 6. That the Legislature of Alabama favors such proposed amendment to the Constitution of Alabama.

Sec. 7. That in the case the amendment to the Constitution of Alabama proposed in this act be adopted, no election shall be held in the city of Birmingham prior to October 1st, 1916, under the authority granted therein, for the purpose of authorizing the levy of a rate of taxes in excess of one per centum per annum. Provided, however, that if the levy of any such excess rate be authorized before November 1, 1916, the said excess rate may be, by the governing body of said city made applicable to and may be levied for the tax year beginning October 1, 1916.

Approved September 22, 1915.

AN ACT

To create a State harbor commission to be known as the "State Harbor Commission," define its jurisdiction, powers and duties and prescribe the mode of procedure and penalties for violation of this act, and to repeal all laws in conflict therewith.

Be it enacted by the Legislature of Alabama:

1. A board of State harbor commissioners to consist of seven members is hereby constituted, with such powers and duties as are prescribed in this act, and as may hereafter be prescribed by law.

2. On the passage of this act, the Governor shall appoint two of said commissioners to hold office for three years, two for four years, one for five years, one for six years and one for seven years, from January 1st, 1916, and until their successors are qualified. The said commissioners shall thereafter be appointed for five years from the dates of their respective commissions, and until their successors are qualified. The commissioners shall serve without compensation, but all traveling expenses incurred by the board in the performance of their duties shall be paid for out of the funds in the treasury.

3. If a vacancy occurs from any cause in the office of a commissioner before the expiration of his term, his successor must be appointed by said board and hold office only for the unexpired portion of such term.

4. All the members of said board at the time of their appointment and during their respective term of office, shall be citizens of the United States and residents of the State of Alabama, and at the time of their appointment five of said commissioners shall be residents of Mobile county, must be prominently identified with the commerce or business interest of Mobile. The other two commissioners at the time of their appointment must be prominently identified with the commerce or business of the counties of Jefferson, Walker or Tuscaloosa, respectively, and one of said two commissioners shall be appointed from among the residents of said counties of Jefferson, Walker and Tuscaloosa. At the expiration of their term, their successors shall be appointed by the Governor for a term of five years each. Each commissioner shall be required to execute a bond in the sum of five thousand dollars for the faithful performance of his duty in some bonding company authorized to do business in the State of Alabama and the premium on said bonds shall be paid from the treasury of said board.

5. The commissioner first appointed for seven years, and thereafter his successor, shall be president and executive officer of the board. It shall be his duty to preside at its meetings, to supervise the official conduct of all its officers and employees, especially in the collection, custody and disbursement of the revenues of said board, and to require all books, papers and accounts to be accurately kept and in proper form, and all the provisions of law and the regulations of the board be enforced and observed. He may administer official oaths to the officers and employees of the board, except the other commissioners, and to all other persons in relation to the business of the board. In the absence of the president, the remaining commissioners shall select from their number an acting president to hold office during the absence of the president. The acting president shall have all the power and authority possessed by the president.

6. The commissioners shall meet at least once a month at such time and place as may be by them selected, and may meet oftener as business requires.

7. The board of State harbor commissioners on entering on the duties of their office must appoint a secretary and treasurer, a chief wharfinger, and, as occasion requires, may appoint such number of deputy wharfingers, collectors, attorneys, clerks and other employees as may be necessary. Such officials shall hold office for such time and on such terms and conditions as the commissioners may determine, except that the secretary is required to make bond and oath as is hereinafter provided.

8. The jurisdiction of said board shall extend over the waters and shores of Mobile Bay, Mobile River, and over all tributary streams flowing into Mobile Bay and Mobile River, in which the tide ebbs and flows extending to the outer bar below Fort Morgan, Alabama.

8½. All property acquired, owned, held or controlled by the board, as herein constituted, hereunder or otherwise, shall be held in trust by it for the benefit of the holders of the bonds and obligations, issued and incurred by it hereunder and for the public in aid and promotion of commerce, trade and navigation on the navigable waters of the State and passing through the ports and landings abutting thereon, but not otherwise. And said board shall not have power either directly or indirectly to sell, mortgage, encumber, lease or convey the same, all or any part thereof, to others; except by authority, to that effect, expressly granted by the Legislature of Alabama. But, however, the board shall have power and they are expressly authorized, to expend the revenues, cash and credits received by them or col-

lectible by them, under the laws now or hereafter existing, for personal services and salaries of employees and other purposes herein authorized and for operating expenses, and to pledge said revenues, cash and credits aforesaid to secure the payment of the principal and interest of the bonds and obligations issued or incurred by it hereunder. And the said board may sell and dispose of any and all personal property owned by it which may not then be necessary for its purposes or in the operation, conduct and maintenance of its business. Nothing herein contained shall be held or construed to prevent or limit the right of any vendor or grantor of any particular property sold to the board hereunder to reserve a vendor's lien for unpaid purchase money thereon or of the board to give a mortgage thereon to secure the same, provided the same only covers the property upon which the vendor's lien would attach.

9. The said board shall have power to make all reasonable rules and regulations as to where vessels shall be moored, and where vessels shall be placed, and for the shifting and mooring of vessels.

10. The said board shall have power to lease, install, acquire, create, own, hold, maintain, equip, use, control and operate wharves, piers, docks, quays, warehouses and other water terminals and other structures needful for the convenient use of same in the aid of commerce, including the dredging of approaches thereto. All such structures are to be subject to such lines and limitations as may be now, or hereafter at any time, laid or placed by any authority of the United States or of the State of Alabama for control of harbor and pier lines. The said board shall have power to locate, install, build, acquire, own, hold, maintain, control and operate a line or lines of terminal railroads, with necessary sidings, turnouts, spurs, branches, switches, yard tracks, bridges, trestles and causeways, and in connection therewith or appurtenant thereto, shall have the further right to lease, install, build, acquire, own, maintain, control, and use any and every kind or character of motive power and conveyance of appliance necessary or proper to carry goods, wares, and merchandise over, along or upon the tracks of such railroads, any plant or structure or machinery for accumulating, storing, handling, shaping, reducing in bulk or preparing for shipment, any goods, wares and merchandise carried, or to be carried over, along or upon such railroads.

11. The said board shall have the right and authority with its terminal railroads, to connect with or cross any other railroad, and to receive, deliver to and transport the freight, pas-

sengers and cars of common carrier railroads, as though it were an ordinary common carrier railroad. They shall have and enjoy all rights, powers and immunities incident to corporations.

12. The said board with the consent of the city or county authorities may cause the tracks of such terminal railroads to be laid upon any streets or roads which are now open or dedicated, or that may hereafter be opened or dedicated, within their respective corporate limits, and any bridge, trestle, causeway, or other structure necessary or proper to be constructed in order to enable any tracks constructed under authority of this act, to reach any piers, docks, wharves, warehouses, quays, or other public terminals, may be constructed and maintained perpetually over, or upon any lands owned by the State of Alabama, provided the strip of State land so used shall not be more than one hundred and twenty-five feet in width, but all such bridges, trestles, causeways, or other structures when across or over navigable waters, or the shores thereof, shall be erected under such limitations or restrictions as may be now, or at any time, made or placed by any authority of the United States or of the State of Alabama, having control of harbor and pier lines, and so as not to infringe upon the riparian rights of any person, unless said rights shall have been acquired by purchase, condemnation or otherwise by such cities.

13. For the acquiring of rights of way and property necessary for the construction of the railroads and structures authorized in accordance with this act, such board shall have the right and power of purchase and eminent domain, and should they elect to exercise the right of eminent domain, they may proceed in the manner provided by the general laws of the State of Alabama for procedure by any county, municipality or corporation organized under the laws of this State, or any person or association of persons proposing to take lands or to acquire an interest or easement therein, for any uses for which private property may be taken.

14. The said board shall have the right to make and collect suitable charges for the performance of any service rendered under the authority given in this act, all charges for transportation being subject to control by the railroad commission of Alabama or other governmental authority in the same manner as ordinary common carrier railroads are regulated.

15. For the acquiring of the property or riparian rights necessary for the construction or control of said wharves, piers, docks, quays, warehouses and other water terminals, and other structures for the convenient use of same in the aid of commerce

authorized to be constructed or controlled under the provisions of this act, the board shall have the right to purchase and of eminent domain, they may proceed in the manner provided by the general laws of the State of Alabama for procedure by any county, municipality or corporation organized under the laws of this State, or any person or association of persons proposing to take lands or to acquire an interest or easement therein, for any uses for which private property may be taken. From any order or regulation of the board of State harbor commissioners fixing, making or establishing any fee, rate, charge, compensation, or regulation for any service in or about the business or control of the river, harbor or port of Mobile, an appeal may be taken by any party in interest to the State railroad commission, and the State railroad commission shall and is hereby given the power and authority to hear and determine the same and to make all necessary orders for the enforcement of its findings.

16. The said board may issue bonds for the purpose of paying the purchase money and cost of construction of property purchased or constructed under the authority contained herein. But the State of Alabama shall not be bound or liable in any manner whatsoever for the payment of said bonds or interest thereon.

17. All bonds and interest coupons attached to the same, issued under the authority of this act shall be exempt from State, county and municipal taxation, and the same shall have all the property and protection of commercial paper.

18. The denomination of the bonds, the time for which the same shall run, the place of payment, and the rate of interest to be paid on the same shall be fixed by the board, but no bonds issued under the provisions of this act shall bear a greater rate of interest than six per cent per annum, and the same shall not be sold for less than face value.

19. All bonds issued under the authority of this act shall be signed by the chief executive officer and countersigned by the secretary and treasurer of the board issuing the same, and the official seal of the board shall be impressed upon or affixed to the same.

20. All bonds so issued shall have attached to the same, interest coupons, which shall bear the signature of the chief executive officer, and the secretary and treasurer of the board issuing the same, but their said signatures may be printed or lithographed fac-similes.

21. No irregularity in the proceedings to authorize the issue of bonds under this act nor the omission or neglect of any offi-

cer charged with executing any of the duties imposed by this act, shall affect the validity of any bonds issued under the authority of this act.

22. The said board shall have power to fix wharf harbor lines. All wharves shall be open to the use of all persons engaged in commerce on said river and bay, without the distinction or discrimination, in order that the navigable waters of Mobile bay and Mobile river, within the jurisdiction of said board shall remain forever public highways, free to the citizens of the State and of the United States, and that the wharfage demanded from the owner of merchandise or commodities for the use of wharves erected on said shores may be uniform, and that no discrimination in their use may be made by the owners of said wharves. The said board shall have power to prescribe reasonable rules and regulations to prevent any discrimination in the use of said wharves, and to prevent improper and unjust charges. The said board shall have the right and power to require the owners of the upland who have constructed wharves upon the said shores to keep their property in proper repair, to issue an order forbidding the owner of such uplands and such wharves to make any charge for the use of said wharves until such wharves are repaired, in accordance with the orders and directions of the board, provided, however, that the owner of such wharves may permit people to use such wharves, and to use the same himself, herself or itself, but such owner shall not make any charge therefor.

23. The secretary must keep the office of the board open every day (legal holidays excepted) from eight o'clock A. M. to five o'clock P. M. He shall safely keep and be responsible for all moneys paid into the office, and for all books and papers of the board, and attend such meetings, and keep a perfect record of their proceedings, and of the names of the commissioners present thereat. He must keep in proper books an account of all moneys received and paid. On or before the 5th day of each month, he must prepare five statements showing all moneys received and paid for the preceding month, and have the same show the sources from which such moneys were received, and the purposes for which they were paid, and one copy given to each of the commissioners. All moneys collected by him shall be deposited in a bank or banks designated by the board, and drawn out by check signed by the president and secretary of the board. He must enter daily in proper wharf books, the returns made by the wharfingers and collectors, and on the last day of each month, settle the accounts of each of them, and balance the

said books as soon as practicable thereafter. When money is received from any source, he must retain a stub corresponding in number, date and amount, with the receipt given therefor, and he must require the person paying it to sign said stub. He must record at length all contracts and agreements made by the board, and keep a record of all personal property purchased, and its costs; and in case any be sold, the name of the purchaser, date of sale and price received therefor. Before entering on the duties of his office, he must give an official bond in the sum of five thousand dollars, premium on same to be paid out of the funds of the board, and take and subscribe an official oath. Said bond must be in some approved guaranty or bonding company acceptable to the board, and be filed with such oath in the office of the secretary of State. The secretary of the board must make a complete statement of all the transactions of the board also a statement showing the expenditures and disbursements, assets and liabilities of the board, together with information, and date as to the amount and the character of tonnage and shipping passing through the port of Mobile, and the gross and net tonnage of all vessels passing through the port, together with the draft of the same and the amount of pilotage and port fees and tolls collected from said vessels, which said report may not be itemized but may be shown by giving classification and the number of vessels of like kind, tonnage or draft and aggregate amount of fees, etc., exacted on each class of vessel, to the Governor for the year ending the 31st of December, 1916, and on the 31st day of December of each following year, and shall make a like report to the Legislature of Alabama for the preceding and intervening years, which said report shall be filed not later than the 31st day of January of each year.

24. The chief wharfinger must station, berth and regulate the positions of vessels in the docks and harbor, and cause them to be removed from time to time, and from place to place, as the general convenience, safety and good order may require. In case any vessel shall fail or refuse to move as directed by the chief wharfinger, he shall cause same to be moved at the expense of such vessel, which expense shall constitute a lien upon the vessel. He shall not interfere with the directions by the master, owner, agent or consignee of a vessel as to a wharf, bulkhead or shore berth for the discharge or receipt of cargo or ballast, where such wharf, bulkhead or shore berths so selected or erected within the limits of the jurisdiction of said board and in the manner of construction provided by said board, nor station such vessel at other berths than the ones so selected by the mas-

ter, agent, owner or consignee, unless the person or authority controlling such wharf prohibits its use for such purposes by the vessel, or unless the use of such wharf bulkhead or shore berth has under the provisions of this act been revoked. He may from time to time remove any such vessels as is not employed, or immediately about to be employed, in receiving or discharging cargo, or ballast, if necessary, to make room for such other vessel as may require immediate accommodation for receiving or discharging cargo or ballast. He may require persons in charge of vessels made fast to a wharf or shore or lying in the stream, to adjust their spars, boats, etc., so that they will not interfere with other vessels. He shall have authority to determine how far and when persons in charge of vessels shall accommodate each other in their station.

25. The chief wharfinger of said board must, on written application by the owner, master or consignee of a vessel, arriving within the jurisdiction of said board, inspect the hatches, be present at the opening thereof, and survey the stowage of the cargo of said vessel, and it shall be the duty of the said wharfinger to give reasonable notice of the time of opening and inspection of hatches and survey of stowage to all consignees in writing, or by advertisement, and said consignee or their agents shall be allowed to be present at such time of opening, survey and inspection. The record of the inspection and survey shall state whether the hatches were properly covered and secured shall designate by marks and numbers, every package of merchandise surveyed, and if any package had the appearance of being damaged, shall state how such package appeared to have received damage.

26. The secretary of the board and the chief wharfinger, or one of the deputy wharfingers, where applied to for that purpose, must inspect damaged cotton or merchandise arriving within the jurisdiction of said board, and if the owner or consignee thereof orders it sold under their direction, attend and direct the sale at public auction, if, in their opinion, the damage thereto is sufficient to justify its sale, but only upon forty-eight hours notice of the time and place of sale in some newspaper of Mobile. They must give a certificate of such survey and of the correctness of such sale under their hands.

27. The secretary of said board and the chief wharfinger, or one of the deputy wharfingers, shall when called upon by the master, owner or consignee of any vessel, survey the same, and name and employ carpenters to open the ceiling, slip the sheathing, bore the timbers, and perform such other work as shall be

necessary to a correct survey; and in case of survey of merchandise, may employ laborers to open, move, cooper, or otherwise arrange cotton or merchandise to be surveyed, the expense thereof to be paid by the person requiring the service.

28. The chief wharfinger must require all wharf owners, dock companies, shipmasters, consignees, pilots and masters of tow boats to conform to the regulations of the board. He must require the harbor, docks, slips, wharves, piers and other premises under the jurisdiction of said board to be kept free of all obstructions, and when parties fail to obey his order, to remove the same, he must forthwith report the fact to the board, and execute their orders in relation thereto.

29. The said board shall constitute a board of commissioners of pilotage.

30. At no time shall there exist more than thirty pilots holding valid branches or licenses to serve as Mobile bay or bar pilots. At any time when there shall be less than thirty of said pilots, and the board, or a majority of them, shall be of the opinion that the necessity of commerce demands an increase of the actual number serving as such pilots, they shall have the power to branch or license a sufficient number of bay or bar pilots to meet such necessity; but the number so branched or licensed shall not increase the total number of such pilots to exceeding thirty. No person shall be so branched or licensed who has not made due application and been regularly examined and certified to be competent to fill such appointment as hereinafter required. When a pilot first receives his branch he shall take his station on Mobile bar and the senior pilot serving there shall take his station at Mobile, Ala. No person shall apply for a license or branch as a bay or bar pilot who has not served at least one year as an apprentice, or boat keeper, on board a pilot boat, in commission as such on the Mobile bay and bar and who has not also assisted as pilot on at least one entire trip a week for twelve weeks within a continuous period of six months in company with some licensed Mobile bay or bar pilot, or on a seagoing vessel or tug; and the Mobile bay or bar pilots shall always keep upon the pilot boats not less than three apprentices or boat keepers; and no Mobile bay or bar pilot, apprentice or boat keeper shall be discharged except for cause, and any such apprentice or boat keeper so discharged shall have the right to appeal from such discharge to the board, and should the board, upon investigation, find that such discharge was without sufficient cause, they shall have the power to annul such discharge and reinstate such apprentice or boat keeper. Every

application for a license or branch must be in writing, accompanied by a certificate of the registered master of a pilot boat, that the applicant has served his apprenticeship as hereinabove required, and by an affidavit by the applicant, that he has made the trips herein provided. Before an applicant is branched or licensed, the board must prepare in writing suitable questions to test his knowledge and competency to become such pilot who without any aid from any other person, and without having been informed as to what questions would be propounded to him; when the applicant has reduced his answers to writing he shall sign the same and deliver them to one of the commissioners, and the board must cause such answers to be copied legibly, but without the name of the applicant. The board shall then appoint three fair, impartial and competent nautical men as a committee to examine the answers of the applicants. The applicant or applicants may name one of these, the existing pilots name another, and the board, or a majority of them shall name the third. The committee shall examine the copies of the answers of applicants, and shall endorse upon the answer of such of the applicants as they find sufficient, the following certificate: "We hereby certify that the foregoing answers are satisfactory, and that, in our opinion, the applicant making the same is well acquainted with the pilot grounds, and knows how to handle both steam and sailing vessels, and is competent to perform the duties of a bay or bar pilot." When such certificate is duly signed and delivered to the board, the applicant shall be deemed qualified to receive a license.

31. Any pilot having knowledge of the violation of any of the provisions of this act, or of the rules and regulations established by the said board, must, as soon as practicable, give the secretary of said board information thereof, and failing to do so, the board shall have the right to suspend the license of said pilot for such a length of time or forever disqualify him, as in their judgment they deem proper.

32. For any violation by any one of the pilots of any of the provisions of this act, or any of the rules and regulations established by the said board under the authority conferred upon the said board by the provisions of this act, or under any authority which may hereafter be conferred upon them, the said board may suspend or revoke the license or branch of such pilot so violating the law, or such rules and regulations of said board. The secretary of said board shall notify such pilot, in writing, of the specific charge preferred against him, specifying reasonable certainty the law or rule or regulation violated, the manner

in which the same was violated, and the time and place of such offense, and shall by direction of the board fix the time for hearing of said charges not less than five nor more than thirty days from the date of such notice. At the time and place set forth in said notice, such pilot may appear in person, or by counsel, and thereupon the said board shall hear and determine the said charges. The board shall have the power to subpoena witnesses, such subpoenas to be served under the seal of the said board, and attested by the signature of the secretary, and to be served by the sheriff of Mobile county, or the sheriff of Baldwin county, according to the residence of such witnesses. The fees of the sheriff for serving such subpoenas shall be paid out of the funds of the said board.

33. On the failure to answer such subpoenas, when so served, such witnesses shall forfeit the sum of fifty dollars, for which the said board may, in its own name, bring suit in a court of competent jurisdiction.

34. Such witness shall be paid the sum of one dollar and a half a day during their attendance upon such board at such hearing, and five cents a mile for each mile traveled in going from their place of residence to the place of hearing, and five cents a mile for returning. Such witness fees shall be paid out of the funds of said board.

35. Such pilot against whom such charges have been filed shall have the right, upon depositing with the secretary of said board an amount sufficient to cover the cost and expenses of serving such subpoenas, together with the mileage of such witnesses, and an amount sufficient to cover at least three days attendance of such witnesses, to require the secretary of said board to issue subpoenas for witnesses in his behalf in the name of said board, such subpoenas to be issued and served as in the case of subpoenas issued by the direction of the board, and for failure of witnesses to attend upon being served with such subpoenas, the same penalty shall be imposed and collected.

36. Such hearing shall be conducted under such rules and regulations as the board may from time to time establish. The board shall hear the testimony of the witnesses, and shall have the power to administer oaths, to such witnesses, and false swearing, after the administration of such oath by such board, shall constitute perjury under the laws of the State of Alabama.

37. Said pilot shall have the right to be represented by counsel at such hearing and the attorney for the said board shall represent the prosecution of such charges.

38. Upon completion of the hearing, or as soon thereafter as practicable the said board shall render its decision, and the decision shall be by a majority of said board.

39. The said hearing may be adjourned from time to time as the board may direct, but no pilot shall be suspended until the final hearing by the board.

40. Should the owner of any upland abutting upon the said shore, within the jurisdiction of said board, who has or may have erected wharves, docks, sheds or piers upon the shore, fail to comply with any of the rules and regulations of the said board, the said board shall notify such owner of such failure to comply with such rules and regulations. The said board shall have the power to prohibit such owner from making or collecting any charge for the use of the same by others. The secretary of said board shall notify the owner of such wharves in writing, under the seal of said board, as to the time and place and circumstances of such violation. Thereupon, such owner may request the said board, in writing, to set a date for the hearing by the board as to whether or not the rules and regulations have been so violated, and such hearing shall be conducted in the same manner as hearing of charges against pilots for the violation of the rules and regulations of said board, and the same powers herein conferred upon the board to hear and determine such matters, and to issue subpoenas, and to compel the attendance of witnesses, and to administer oaths, in the case of violations of regulations by pilots, are hereby conferred upon the board to determine the question of violations of regulations by the owners of wharves.

41. It shall be the duty of said board to establish from time to time, as may appear to the said board necessary, for the protection of the navigability of the waters within its jurisdiction and the integrity of Mobile harbor, and its improvements, lines for bulkheads, wharves, dry docks and booms, and lines for similar structures, and it shall be unlawful for any person to build or maintain a bulkhead, wharf, boom or dry dock, or similar structure, as the case may be, in any manner of form contrary to the regulations established by the said board, and said board is hereby authorized to have all and any portion of the waters embraced within the jurisdiction properly surveyed and sounded, and maps thereof made for filing in its office for its information, the expense of which shall be paid out of the funds of said board.

42. All bulkheads, wharves, booms, stakes, piles, dry docks and similar structures, heretofore constructed, or placed within

the above defined limits, which do not conform to the present bulkhead or channel lines and regulations, and all wrecks or sunken or disabled boats or water craft lying without said lines shall be prima facie a nuisance, and all such structures, wrecks, or sunken or disabled water craft which are hereafter constructed, placed or sunk or maintained in violation of the lines and regulations should be established by the said board in reference thereto, are hereby declared to be a nuisance, and all such nuisances may be abated as hereinafter provided, or in any other manner now or hereafter authorized by law, as to all such future structures or obstructions, a violation of such regulations, shall be a public offense, which may be prosecuted by indictment or criminal information, and on conviction thereof the party offending shall be fined a sum not less than the costs of abating said nuisance, as may be shown by the evidence, unless he has already paid the cost of such abatement, and an additional sum not exceeding two thousand dollars over and above the cost of such abatement, which fine shall be ascertained and fixed by the magistrate or jury trying the case, if tried by a jury. But if any respondent or defendant shall plead in abatement to any information filed or indictment found against him for any such offense and shall prove thereunder that such offense was committed more than twelve months before the exhibition of the information or the finding of the indictment, and the said board had not within twelve months, and more than thirty days before the said exhibition of such information or the finding of such indictment, serve written notice on the owner or agent in charge of said structure or obstruction or person erecting or placing the same, to abate such nuisance, such information or indictment shall be abated and no further prosecution for such offense shall be maintained if objected to by plea in abatement, until a written notice as above provided shall have been given within twelve months and more than thirty days from the beginning of such prosecution; and the construction or placing of such structures or obstructions in violation of law, and the maintenance thereof after notice to abate the same has been given, for each day that they are so allowed to remain may be held and treated as a continuing offense, and the owner, manager, superintendent, agent, contractor or other employee ordering or engaging in the erection or maintenance of said structures or obstructions shall be held guilty under this section; and the police of the city of Mobile are authorized to enforce the regulations of said board and to arrest all offenders who may be found violating, or who on proper warrant may be charged with

having violated such regulations and the recorder, or acting recorder of said city is hereby authorized and empowered to try and, upon conviction, punish all such offenders by a fine not exceeding fifty dollars a day for each day that such offender may be engaged in the construction or maintenance of such illegal structure or obstruction, providing, that the said recorder, or acting recorder, shall not have jurisdiction to try any case with reference to any structure or obstruction which was erected or placed more than twelve months before the commencement of the prosecution. An appeal shall be allowed from the decisions of the recorder, or acting recorder, as in cases of appeal from the justices of the peace. All fines levied under this section shall be paid over to the county treasurer and shall be held subject to the order of said board. The said board shall also regulate the handling of the rafts and the character of rafts within the limits of its jurisdiction. And the said board may also regulate the anchorage, berthing and moorage of steam boats, or other water craft. And any violation of such regulation by the owners or persons in charge of any such rafts or boats shall be a misdemeanor, and the recorder of the city of Mobile shall have jurisdiction to try and punish all such offenders if the prosecution be commenced within twelve months, and all fines so imposed and cost of the prosecution shall be a lien on such rafts or boats, which may be seized on a writ issued by the recorder or acting recorder at the beginning of or during the prosecution, or after conviction, and so without further levy, to satisfy such fines and the costs of the prosecution, including the costs and seizure and sale; and all such sales shall be conducted in the same manner as sales of personal property on execution, the surplus arising from any such sale to be paid over to the proper claimant, or to be deposited with the board for account of such claimant when known.

43. The said board may, on its own relation, file a bill in chancery court at Mobile, in the name of the State, for the abatement of such nuisance therein complained of, which bill shall be in the nature of an information. And it shall be the duty of the solicitor of Mobile county, on the written request of such board, to file such bill and to prosecute the case to a final decree and enforcement thereof. And if an appeal be taken to the Supreme Court, it shall be the like duty of the attorney general of the State, to prosecute or defend such case in that court. But the said board may employ counsel to prosecute such suit, whose fee in the premises shall be approved by the court and paid as part of the court costs of the case as hereinafter provid-

ed. And upon the filing of any such bill, it shall be the duty of said court to take jurisdiction of the subject matter thereof, and to make and enforce all proper decrees in the premises without requiring any fact to be established at law previous to the filing of such bill. In case of the non residence or contumacy of the defendant, the court additions to the powers possessed by it for enforcing its decrees in general, shall have the right to direct the sheriff to abate the nuisance by destroying or removing the same, and any and all expenses attending the destruction of such nuisance, as well as the court costs, including the fee of the complainant solicitor, shall be taxed against the defendant, and shall be a lien on all the property of the defendant in the chancery district from the date of filing of such bill. And on the return of the sheriff showing the amount of such expense, it shall be duty of the court, or of the chancellor, on application out of regular term of five days notice to the defendant, to direct an execution to issue against said defendant, and branch writs, if necessary, as in other cases, for the amount of such expenses and costs, and no property shall be exempt from the levy thereof. In case an appeal is taken by the defendant, he shall be required, if he desire said appeal, to operate as a supersedeas, to give such reasonable bond as the chancellor may require, by order duly entered in the cause, conditioned to prosecute said appeal to effect or to pay the amount of the costs of the cause in both courts and of executing the decree, as well as all damages which may thereafter be sustained by any person because of the maintenance of such nuisance.

44. That no security for costs shall be required in any case of said board or relators and said chancery court shall be considered as open at all times for the purpose of the proceedings in this act authorized. In case any such court costs taxed against complainants, excepting when taxed because of a return of a nulla bona against defendant, the same shall become a claim against county wherein such nuisance may be maintained, and a duly certified copy of the decree of the chancery court in the premises shall be presented to the board's court as an adjudged claim against such county, and may be collected as other judgments against such county are collected. Provided, no costs shall be taxed against the county unless the county is cast in the suit.

45. That upon the filing of any application for the privilege of erecting, altering, or maintaining any wharf, bulkhead boom or dry dock, or other similar structure, as provided in previous sections of this act, it shall be the duty of the said board to carefully examine the plan and specifications furnished them by the

applicant, and they may take the testimony as to any fact pertaining to said structure or its effect upon the navigation of such stream, and shall, if not otherwise accurately informed, have a survey made by an engineer designated by said board of the place or portion of the river which it is proposed said structure shall occupy, and said engineer shall take sufficient soundings to show the depth of water along the line and within the enclosure of such bulkhead, wharf, or boom lines, or within the area to be covered by such dock; and a permanent record shall be made thereof with the date of such measurement; and in case any such application is granted, it shall be the duty of such board to have the said lines or area accurately defined by the city, or other competent engineer, by stakes or other signs, for the guidance of said applicant if desired by him and at his expense; and when such structure is finished survey thereof shall be had by the engineer employed by such board who shall report to said board and if such structure conforms to the requirements of said board a certificate of such fact shall be furnished to said applicant and a record then shall be made in the book of records of said board. It shall be the duty of such applicant to furnish free transportation to and from the location of any structure, to said engineer and his necessary assistants, acting in the performance of any duty required by this section, or to the board of any authorized committee thereof, if they desire to personally inspect such location or work. The said engineer shall receive for his services such compensation as may be agreed upon between the said board and himself, not to exceed ten dollars for each day; or fraction of a day, for his own services, and not exceed two dollars and fifty cents per day for each assistant necessarily employed by him, to be paid by the applicant. And said board may send the engineer to inspect any locality for the purpose of ascertaining whether any nuisance has been or is being erected or maintained in any navigable waters within its jurisdiction, and to make report thereto.

46. For each survey of damaged cargo, cotton or merchandise, ten dollars (\$10.00); for each survey of a vessel, ten dollars (\$10.00); for attending, directing and certifying, the sale of damaged cotton or merchandise, on sums not exceeding \$200.00, five per cent; on those not exceeding \$500.00, five per cent; on the first \$200.00 and two per cent on the remainder; on those exceeding \$500.00, and not exceeding \$1,000.00, five per cent on the first \$200.00, two per cent on the next \$300.00 and one per cent on the remainder; on those exceeding \$1,000.00, the above fees up to the first \$1,000.00, and one quarter of one

per cent on the remainder. The charges above provided for shall constitute a lien upon the vessel and upon the cargo of said vessel, and upon the merchandise so surveyed, which lien may be enforced by the board in a court of competent jurisdiction.

47. Any person who shall violate any of the rules and regulations established by the said board, or who shall resist or oppose or interfere with any of the members of the said board, or any of its employees, officials or agents in the discharge of their duties, shall be fined by the recorder of the city of Mobile not exceeding fifty dollars to be collected, enforced and applied as fines for violation of the municipal ordinance of said city.

48. All persons are forbidden to deposit or cause to be deposited, in the waters of the harbor of Mobile, described in the preceding sections, any substance that will sink and form an obstruction to navigation, without first obtaining permission in writing, of the board, which permission shall describe with an ordinary degree of certainty, the place where such deposit shall be made, and the secretary of the board shall record such permission. Any person violating the prohibition contained in this section is guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction shall be fined not less than one hundred, or more than five hundred dollars, or imprisonment for not less than thirty and not more than ninety days; provided, that nothing herein shall be construed to prevent or interfere with the construction of work now in progress in connection with the Mobile harbor.

49. If a person in any manner, by his negligence, or wantonly, shall damage a ship, channel, natural or artificial within the jurisdiction of said board, or if any person shall damage any beacon stand, piling or other thing, or channel, used in connection with the navigation thereof, he shall be required by the said board to repair such damage, and on failure to do so within ten days after such notice, the offender shall forfeit five hundred dollars, to be recovered with costs, including a reasonable attorney's fee, in any court of competent jurisdiction, at the suit of the board, the recovery to be applied under the direction of said board; first, to the repair of the damage done, and the surplus, if any, to be deposited as other funds of said board.

50. The commissioners shall, on or before the first day of November, A. D. 1916, and yearly thereafter, give to the Governor a full report of all moneys by them received and disbursed, stating specifically for what the same was received, and for what purposes expended, and shall give a concise account of the

operation of said board, and of the condition of the docks, wharves and shipping under their jurisdiction.

51. The chief wharfinger shall keep an office at some convenient place upon the city front; which shall be kept open every day (Sundays and holidays excepted) from seven A. M. to six P. M. The commissioners shall furnish a suitable building for an office, for the exclusive use of said chief wharfinger and with suitable office furniture. It shall be the duty of the chief wharfinger to execute and enforce the rules and regulations which may be established by said board of State harbor commissioners, pursuant to the provisions of this article. And it shall be the duty of all pilots, masters of tug boats, masters, owners and consignees of vessels, to obey all lawful orders and discretions of the chief wharfinger. The chief wharfinger is empowered to determine cases of collision by consent of all parties interested, and where damages do not exceed three hundred dollars, the decision is final.

52. In addition to the duties required to be performed by the chief wharfinger by any section in this article preceding this section, he shall take in charge all abandoned water craft and all boats picked up adrift, and secure the same, after which he shall advertise for one week, in one of the daily newspapers printed in the city and county of Mobile, giving full particulars pertaining to the same, and request all parties interested to appear and establish their title or claim thereto within twenty days from the last publication. If claimed within said period, such profit shall be delivered to the owner on payment of all costs of removing, securing and advertising the same. If not claimed, within said period, or if the owner fails to pay charges, such property shall be sold by the chief wharfinger to the highest bidder at public auction, and the proceeds, less the costs, shall be paid to the owner, if claimed by him, or if not claimed by the owner, shall be paid to the board of State harbor commissioners; but the owner shall be entitled to receive from said board the amount so paid, if he shall claim the same within one year from the date of said payment.

53. For the purpose of this section, the harbor of Mobile shall be the tide waters of the city and county of Mobile, and the jurisdiction of the chief wharfinger shall, when performing the duties required by this section be co-extensive with such tide water.

54. If any master, agent or owner of any water craft shall refuse or neglect to obey the lawful orders or directions of the chief wharfinger in any matter pertaining to the regulations of

said harbor, or the removal or stationing of any water craft, such master, agent, or owner so refusing or neglecting is guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not to exceed fifty dollars, or by imprisonment not to exceed one hundred days in the jail of the city or county of Mobile.

55. All official bonds required to be given by authority of this act shall be to the people of the State of Alabama.

56. It is hereby made the duty of the board of police commissioners of the city of Mobile, or any person or persons hereafter exercising the authority now vested in the board of police commissioners in the city of Mobile, to appoint as special policemen such number of wharfingers and toll collectors as such commissioners shall request, in writing, and also shall furnish such special policeman the usual badge of office, which shall be paid for by the commissioners. Such appointments must be renewed once in each year. The jurisdiction of such special policeman shall be co-extensive with the premises described in this act, and their terms of office as such wharfingers and toll collectors.

57. The monthly salary of the secretary and treasurer, chief wharfinger and other employees of the board shall be fixed by the commissioners. The sum of ten thousand dollars annually for a period of four years is hereby appropriated from any funds in the State treasury of the State of Alabama not otherwise appropriated to defray the salaries of the employees of said board and the warrants for the payment of the sum herein appropriated shall be issued by the auditor as provided by law, and the amount now paid by the city and county of Mobile for harbor master and city wharfingers' salary shall be annually paid into the treasury of said board.

58. That the act entitled an act to establish a river commission for Mobile river and branches and to define its powers, approved February 28th, 1887, and the act entitled an act to amend sections 1, 3, 5 and 13 of an act entitled an act to establish a river commission for Mobile river and branches, and to define its powers, approved February 28th, 1887, approved February 28th, 1889, be and the same are hereby repealed, and that sections 4901 to 4926, both inclusive of the act of Alabama, adopted by acts of the Legislature of Alabama, approved July 27th, 1907, and the act entitled an act to provide for the election of a harbor master and three deputy harbor masters, approved July 31st, 1907, be and they are hereby separately repealed. And that section 4927 of the Code of Alabama adopted by act of

the Legislature, approved July 27th, 1907, providing for commission of pilots and examination of pilots, be and the same is hereby repealed.

59. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

60. If any section or provision of this act is held unconstitutional it shall not invalidate any other section or provision under this act.

Approved September 25 1915.

No. 629.)

(S. 171—Lee.

AN ACT

To amend article 31, chapter 41, of the Code of Alabama, 1907.

Be it enacted by the Legislature of Alabama, That article thirty-one (31) of chapter forty-one (41) of the Code of Alabama of 1907 be and the same is hereby amended so as to read as follows:

1. That the sum of \$134,000 shall be appropriated annually for the purpose of aiding in the erection, repair and equipment of rural school houses in this State from any funds in the treasury not otherwise expended, provided however that \$67,000 of the above appropriation shall act so as to decrease the amount that may be appropriated to the general educational fund to that extent, and provided further that not more than \$2,000 of this annual appropriation shall be used or paid out in any one county of this State in one fiscal year except the fund arising from unexpended balances as hereinafter provided.

2. That three or more citizens of any rural community or any incorporated town in this State whose population does not exceed 400 according to the Federal census, where it is proposed to erect a school building according to the plans furnished by the State department of education or to repair or equip a school building according to plans approved by the State department of education, shall be eligible to make application to the county board of education for aid for an amount not less than two hundred dollars nor more than one thousand dollars for the erection and equipment of a public school building, for an amount not less than fifty dollars nor more than two hundred dollars for the repair or equipment of a public school building; provided, that the application shall show that bona fide donations of at least twice the amount for which aid is asked have already

been secured, and the application shall also contain a description of the plot of land upon which the public school building for which aid is sought is located or is to be erected; provided further, that the maximum amount for which application is made for the erection and equipment of a school building shall not exceed three hundred dollars for a school building with one class room, four hundred fifty dollars for a school building with two class rooms, six hundred dollars for a school building with three class rooms, eight hundred dollars for a school building with four class rooms, and one thousand dollars for a school building with five or more class rooms.

3. That the county board of education shall consider all applications filed, shall approve such as seem most worthy under such regulations, as may be prescribed by the State superintendent of education, and shall keep a record of the proceedings showing the applications approved by the board, the amount of the bona fide donations and the amount which the board recommends to be given to any school. The county board of education shall certify to the State superintendent of education the amount of donations which have been paid over to the county treasurer of public school funds; and that a deed in fee simple to not less than two acres of land, if for the repair or equipment of any school building or for the erection of a school building with not more than two class rooms, and of not less than five acres of land for a school building containing three or more class rooms has been executed to the State of Alabama; and said certificate shall also show the amount of money recommended to be given to the school provided, that the deed or deeds conveying the title to the property shall accompany the certification made to the State superintendent of education and shall remain on file in his office.

4. That before approving any application for aid which has been properly certified to him the State superintendent of education shall satisfy himself that the conditions of this act have been fully complied with. If he approves the application as certified to him by the county board of education he shall request the State auditor to draw his warrant on the State treasurer for the amount for which the application is approved. The State auditor shall draw his warrant on the State treasurer for the amount of money to be given to the school as shown by the requisition of the State superintendent, making the warrant payable to the county treasurer of public school funds of the county wherein the school is located and shall indicate thereon for the benefit of what public school the same is issued. The warrant

shall be delivered to the State superintendent of education who shall forward the same to the county treasurer of public school funds of the county wherein the school receiving the aid is located and shall also notify the county board of education of that fact, provided, that all persons receiving any warrant or the proceeds thereof issued under this act shall issue a receipt to the person from whom he receives the same.

5. That the erection, repair, and equipment of any school building under the provisions of this act shall be under the direction and control of the county board of education. To this end the board shall authorize all contracts and shall order the county treasurer of public school funds to make payment of the amount due under any contract, provided, that not more than two-thirds of the total amount for the erection, repair, or equipment of any school building, including the donations and the amount received from the State, shall be paid out until the inspection required under section 6 of this act has been made and approval certified to the county treasurer of public school funds and to the county board of education; and provided further, that the State warrant, issued under the provisions of this act, shall not be cashed until inspection has been made and approval certified by the State superintendent of education.

6. That whenever the county board of education shall certify to the State superintendent of education that the school building for which State aid is appropriated is completed and all equipment is in place or repairs made and that all indebtedness on the school building, equipment or repairs has been paid except such an amount as will be satisfied by the funds remaining in the hands of the county treasurer of public school funds, the State superintendent of education shall inspect or delegate some one to inspect the work done and equipment installed, and if such meets all requirements of the provisions under which State aid was granted, he shall authorize the county treasurer of public school funds in writing to pay out the remainder of the funds upon the order of the county board of education.

7. The State superintendent of education shall open an account with each county in the State in a book kept by him for that purpose and shall charge against the county the amount of each warrant issued under this act for the benefit of the public schools of such county; provided, that any warrant not cashed by the county treasurer of public school funds by reason of failure to comply with the requirements of this act shall, after the lapse of twelve months from the issuance of the same, be by him returned to the State superintendent of education,

who shall mark the same "cancelled" and shall also make in the book kept by him in accordance with the preceding section a credit entry in favor of the county for which the warrant was originally drawn for the amount of any warrant so cancelled.

8. That the unexpended balances, as shown by the book kept by the State superintendent of education which have accrued to the several counties of the State from the rural school house fund provided in sections 1975 to 1993 inclusive of article 31 of the Code of Alabama of 1907, shall upon the first day of October, 1915, be re-apportioned equally to the several counties of the State, and thereafter the unexpended balances, as shown by the books kept by the State superintendent of education in accordance with section 7 of this act, at the end of each and every fiscal year shall be re-apportioned equally among all the counties of the State in addition to the regular annual appropriation of \$2,000; provided, that the State superintendent of education shall on the first day of October, or as early thereafter as practicable, make the apportionment herein required and certify the same to the State auditor.

9. That any person or persons who shall knowingly use or apply, or authorize the use or application of the proceeds or any part thereof of any funds authorized under this act for any purpose or purposes other than as required by said act shall be guilty of a misdemeanor and on conviction shall be fined not less than \$200 nor more than \$1,000 and may also be sentenced to hard labor for the county for not more than twelve months.

10. That this act shall become effective the first day of October, 1915, and all laws or parts of laws in conflict with the provisions of the same be and are hereby repealed.

Approved September 22, 1915.

No. 633.)

(H. J. R. 253—Goode.

HOUSE JOINT RESOLUTION.

Whereas the Legislature of Alabama has by recent enactment designated a system of State trunk roads connecting the most important cities and towns and leading toward the prominent cities of the border states to Alabama and provided for their construction, especial attention having been paid to the proposed route of the Jackson highway through this State:

We hereby request that the Jackson Highway Association at its meeting in Nashville, Tenn., on September 23 and 24th, or such other time as it may deem best, select a route through the State of Alabama including thereon the cities of Birmingham, Montgomery, Selma and Mobile.

On its approval a copy of this resolution shall be presented to the Jackson Highway Association by the State highway engineer, Mr. W. S. Keller.

Adopted by the House September 16, 1915.

Adopted by the Senate September 16, 1915.

No. 634.)

(H. J. R. 250—Johnston of Madison.

HOUSE JOINT RESOLUTION.

Whereas the navigation improvement of the Tennessee river by the United States is now in the last stages of completion between Muscle Shoals and the Ohio river, and

Whereas the inadequate canal plan for the navigation improvement of the Muscle Shoals stretch of the Tennessee river was begun by the Federal government more than 85 years ago, this improvement costing in construction more than \$3,000,000 and in cost of operation and maintenance more than \$1,500,000, and the yearly cost of the operation and care of this canal being in excess of \$50,000 per annum, and

Whereas the United States engineers, after nearly eight years of study and investigation, have recommended to Congress a new plan at Muscle Shoals for the joint improvement of navigation and development of water power on a very large scale, as shown on Document No. 20, 63rd Congress, and

Whereas this new project for navigation improvement and development of water power as recommended by the government engineers will not only practically complete the navigation improvement of the Tennessee river from the Ohio river to the upper stretches of the Tennessee, but will also develop power on such a large scale as to make it possible to operate great factories for the fixation of the nitrogen of the atmosphere as a fertilizer, and for the manufacture of explosives, and thus make the United States no longer wholly dependent, as at present, upon the country of Chile for sodium nitrate, or Chilian salt-

petre, necessary for the manufacture of explosives and for fertilizers, and

Whereas the United States should not longer be dependent for its nitrogen supply upon any foreign country, but should produce its own nitrogen supply by the conservation and utilization of the water powers now going to waste in the navigable streams of the country.

Therefore by this joint resolution *be it resolved* by the Legislature of the State of Alabama

1. That the adoption by Congress of the Muscle Shoals project as recommended by the government engineers is a matter of national concern and one directly affecting the question of preparedness and national defense.

2. That the fixation of the nitrogen of the atmosphere as a fertilizer to meet the needs of the farmers of the country, and especially the Southern farmers, who are the greatest buyers of fertilizers in the nation, and whose fertilizer bills are now annually nearly \$100,000,000, is a matter of national interest and importance equal to the national interest and economic importance of the great irrigation projects in the states of the arid west, which projects have received assistance from the Federal government in excess of \$116,000,000.

3. That recent successful scientific achievements have placed at the disposal of agriculture in this country chemical compounds which allow the production of a complete or universal fertilizer. With cheap water power, these scientific discoveries promise to revolutionize our present system of fertilization.

4. With cheap water power, the importance of these scientific achievements, and their effects upon the cotton and food crops of the country, and upon the question of national defense and the preparedness of the United States in times of war, are so far-reaching and of such unusual national interest at the present time, that the adoption of the Muscle Shoals project by Congress, and its encouragement by the president and the secretary of war can be regarded as no less than a patriotic duty.

5. That the president of the Senate and the speaker of the House of Representatives shall appoint a joint committee of five members from the Senate and five members from the House of Representatives, as a joint legislative committee, and the president of the Senate and the speaker of the House shall be each a member of these respective committees, and the Governor of the State shall be the ex-officio chairman of these committees and,

also, that the Governor of the State is hereby requested to select and appoint twelve representative citizens from the State of Alabama, not members of this Legislature, to join the legislative committees hereby created, and without expense to the State, these legislative committees and citizens' committee are requested by the Legislature of the State to visit Washington during the early days of the first session of Congress, assembling in December, and present a copy of these resolutions to the president of the United States, to the secretary of war, to the secretary of agriculture, to the chairman of the commerce committee of the Senate, to the chairman of the committee on rivers and harbors, and to each United States Senator and Representative in Congress from the State of Alabama, and pressinglly urge upon them the national importance and, indeed, the nation's necessity that the Muscle Shoals project be adopted by the 64th Congress, and during its first session.

Adopted by the Senate September 16, 1915.

Adopted by the House September 20, 1915.

No. 635.)

(H. J. R. 243—Johnston of Madison.

HOUSE JOINT RESOLUTION.

Whereas, the public good requires that all tax officials of the State be immediately informed of their duties under the recently enacted revenue and license bills:

Therefore, be it resolved by the House of Representatives (the Senate concurring)

That, three thousand copies of the new General Revenue Bill be printed.

Resolved further, that three thousand copies of the new License Bill be printed and that same be bound together.

Resolved further, that *five* copies each of each of these bills be delivered to each Senator and Representative and that the remaining number be delivered to the State board of equalization for distribution among the various probate judges, county tax assessors, county tax collectors, county boards of equalization and license inspectors of the State and assistants to the State board of equalization.

Approved September 22, 1915.

AN ACT

To provide for the payment of equitable claims against counties.

Section 1. *Be it enacted by the Legislature of Alabama:* That the court of county commissioners, board of revenue, or other governing body of any county, shall have power to appropriate from the surplus funds of the county, after providing for all the lawful claims and charges against the county, such sums as such governing body shall determine from time to time, for the following purposes:

1st. To reimburse persons who in good faith have performed services, or furnished money or property for the use and benefit of the county under contract with the governing body of the county, and which contract was invalid upon the sole ground that the statute under which such contract was made, was invalid because of defect in the title form or manner of passage of such statute, and so declared by the Supreme Court after the making of such contract, and the performance of such service, or furnishing of such money or property in pursuance thereof.

2nd. To refund to any person money, or compensate him for services or property, advanced by him and devoted to the use of the county under or pursuant to any contract made with the governing body of the county for lawful county purposes, but which contract was, after the making thereof, and after the advancement of such money, property or service to the county, declared invalid by the Supreme Court of Alabama on the sole ground that the county could not incur debt by reason of the limitation provided in section 224 of the Constitution of Alabama.

Sec. 2. Be it further enacted, That all persons claiming the benefit of any appropriations made or to be made pursuant to this act, must, within four months after the approval of this act, present the claims to the commissioners court or other governing body duly itemized and verified by affidavit as required by law, or the same shall be barred. The court shall examine, audit and allow such claims; and shall cause a full list of all the claims so allowed to be registered on the minutes of the court separate from all other claims.

Sec. 3. Be it further enacted: That if any appropriation made under this act is insufficient to meet all such allowed and registered claims, the funds shall be applied pro rata thereon, and warrants shall be drawn against such special appropriation

accordingly. Future appropriations shall be pro rated in the same way until such demands are paid in full.

Sec. 4. Be it further enacted: That any special fund now in the county treasury, which was levied and collected for the purpose of paying any class of claims covered by this act, and not required to meet the claims of tax payers for a refund filed within twelve months after the same were paid, are hereby appropriated to the payment of the demands for which they were so levied and collected. Such claims shall be registered separate from other claims allowed under this act; and the special fund appropriated by this section, if insufficient to meet said claims in full, shall be pro rated among the holders thereof. The several holders shall in such case share in future appropriations under this act for the balances due them. Provided however that this act shall not apply to counties having a population of thirty-five thousand or more according to the last Federal census.

Approved September 21, 1915.

No. 637.)

(S. 492—Milner.

AN ACT

To provide for taking testimony orally in open court in equity cases.

Be it enacted by the Legislature of Alabama:

1. That in all cases in equity the judge or chancellor before whom the case is pending may at any time before final decree cause any or all of the witnesses to be examined orally before him in open court.

2. In all cases where a witness is examined orally in open court under the provisions of this act the chancellor or judge trying the case must require the court reporter, or some other competent stenographer, to take down the testimony, as delivered, and such judge or chancellor may require such testimony to be transcribed in typewriting and certified to by the stenographer and file the same in the cause.

Approved September 22, 1915.

No. 638.)

(S. 509—Milner.

AN ACT

To regulate amendments to bills and answers in equity causes.

Be it enacted by the Legislature of Alabama:

1. Amendments to bills in equity may be filed as a matter of right at any time before final decree, by striking out, or adding new parties, or to meet any state of evidence which will authorize relief; and amendments to answers may be filed as of right at any time before final decree, so as to set up any matter of defense; and if an amendment be filed at the hearing, to bill or answer, the opposite party shall be entitled to a continuance as a matter of right if the amendment requires the taking of additional testimony, and in this event both parties shall have the right to take additional testimony without a special application, but the court shall impose such terms upon the party amending at the hearing, not extending beyond the payment of all the costs as may be fair and equitable.

2. A copy of all amendments filed hereunder must be served him in person or by registered mail with demand for a receipt on the opposite party, or the solicitor of record by delivery to from the person to whom it is sent, which receipt must be filed in the cause, or by service by the sheriff.

3. It shall not be necessary to obtain an order allowing an amendment to a bill or answer, but all such amendments when filed, shall relate back and become a part of the bill, or answer amended, as fully as though the amendment had been incorporated in the bill or answer when filed.

4. In every case where an amendment to the bill is made, after answer filed, the defendant shall file a new or supplemental answer within twenty days after that on which the notice of the amendment or amended bill is served on him and upon a default, the like proceedings may be had as upon an omission to answer as to the amendment.

5. That all laws general, or special, or local in conflict herewith, are hereby expressly repealed.

Approved September 22, 1915.

No. 639.)

(S. 526—Lee.

AN ACT

To repeal sections 6718 of the Code on the subject of "Proceedings in the county courts."

Be it enacted by the Legislature of Alabama:

1. That section 6718 of the Code be and the same is hereby repealed.

2. That this act become effective on the first Tuesday after the second Monday in January, 1917.

Approved September 25, 1915.

No. 640.)

(S. 516—Lee.

AN ACT

To amend sections 3264 and 3265 and repeal section 6647 of the Code.

Be it enacted by the Legislature of Alabama:

1. That section 3264 of the Code be amended so as to read: 3264. The sheriff of the county must summon one person to serve as bailiff for the grand jury; one to serve as bailiff in every circuit court, or division thereof in which causes are being tried without juries when directed by the judge; and not exceeding two to serve in every court, or division, in which cases are being tried by juries, when the judge thereof certifies that such bailiff or bailiffs are actually necessary.

2. That section 3265 be amended so as to read: 3265. Bailiffs actually serving in court shall receive two dollars a day for every day they serve, to be paid out of the county treasury on the certificate of the presiding judge showing the number of days the bailiff actually attended the court, and that his service was necessary. Provided that in circuits composed of one county having two or more circuit judges that each bailiff shall receive a salary of \$1,000 per annum payable in twelve equal monthly installments out of the treasury of the county constituting such circuit upon the warrant of the president of the board of revenue.

3. That section 6647 of the Code, and all laws, general, local, or special, in conflict herewith, are hereby expressly repealed.

Approved September 22, 1915.

No. 641.)

(S. 540—Lusk.

AN ACT

To further regulate proceedings in the circuit courts of the several counties of the State; fix the terms thereof; provide for calls of cases for trial; regulate the proceedings thereon; fix the time when judgments and decrees become final; provide for issuing executions thereon and for motions to set aside judgments and decrees and for new trials.

Be it enacted by the Legislature of Alabama:

1. That the circuit courts of the several counties of the State shall be open for the transaction of any and all business, or judicial proceedings of every kind, from the first Monday in

January to, and including, the last Saturday of June of every year; and from the first Monday after the Fourth of July to, and including the last Saturday before Christmas day of every year.

2. That the causes on the dockets for trial shall be called peremptorily at the times fixed by law and at such other times as may be fixed by order of circuit judge; the supernumerary judge, or the chief justice of the Supreme Court of Alabama, so that every case, civil or criminal, shall have at least two peremptory calls in every year, and the cases against prisoners shall be called as many more times as may be necessary to secure prompt trials. Appeals from municipal, county and inferior courts shall be preferred cases.

3. That after the lapse of ten days from the rendition of a judgment or decree the plaintiff may have execution issued thereon, and after the lapse of thirty days from the date on which a judgment or decree was rendered the court shall lose all power over it, as completely as if the end of the term had been on that day, unless a motion to set aside the judgment or decree, or grant a new trial has been filed and called to the attention of the court, and an order entered continuing it for hearing to a future day.

4. This act shall not be construed to affect in any wise the right to apply for a new trial under article 14 of chapter 124 of the Code; nor shall it affect the right to sue out an execution under sections 4082 and 4083 of the Code.

5. This act shall go into operation and become effective January 1st, 1916.

Approved September 22, 1915.

No. 642.)

AN ACT

(S. 553—Lusk.

To amend section 6256 of the Code.

Be it enacted by the Legislature of Alabama:

1. That section 6256 of the Code be and the same is hereby amended so as to read as follows: 6256. (4325) What transcript must not contain.—Such transcript must not contain mere orders of continuance, nor the organization of the grand jury which found the indictment, nor the venire for any grand

or petit jury, nor the organization of regular juries for the week or term at which the case was tried nor the order of the court for a special venire or fixing a day for the trial of the defendant unless some question thereon was raised before the trial court; but, in the absence of any such question, such proceedings are, upon appeal, presumed to have been regular and legal.

Approved September 22, 1915.

No. 643.)

(S. 490—Milner.

AN ACT

To further regulate the practice in county courts.

Be it enacted by the Legislature of Alabama:

1. That whenever there is any demurrer, motion to quash, plea in abatement, or other objection to the validity or sufficiency of any affidavit, complaint or warrant pending in the county court, the solicitor or other person prosecuting for the State shall have the right to amend any or all the papers to which the objection, demurrer or motion is directed, or the solicitor may instead of amending the papers, make a brief statement of the cause of complaint signed by him, which may be in substantially the following form: The State of Alabama,County, In the County Court: The State of Alabama by its solicitor complains of C. D. (the defendant), that within twelve months before the commencement of the prosecution he did (here describe the offense as in cases of indictment). G. H., Solicitor. And such statement may be amended by the solicitor or other person prosecuting for the State, and other statements may be filed at any time before the beginning of the taking of evidence in the case, provided, if the demurrer, motion to quash, plea in abatement, or other objection of the defendant is made after the beginning of the taking of the evidence the solicitor or other person prosecuting for the State may then amend the papers or may make the statement as herein above provided. Thereupon the court shall proceed to try the case either upon the original papers, or the original papers as amended, or upon the statement or statements filed by the solicitor or other person prosecuting for the State.

Approved September 22, 1915.

AN ACT

To regulate and fix the intra-state transportation of baggage and storage of baggage and charges on excess of baggage by common carriers.

Be it enacted by the Legislature of Alabama:

1. That every carrier in this State, which shall engage in the carrying of passengers, shall receive and transport without compensation or other transportation charges, with each passenger, the personal baggage of such person or passenger, not exceeding one hundred, fifty pounds, upon the presentation of a whole ticket or other contract or agreement of transportation and not exceeding seventy-five pounds upon the presentation of a half ticket or other contract or agreement of transportation.

2. That every common carrier in this State shall charge passengers, on all baggage weighing over one hundred, fifty pounds, sixteen and two-thirds per centum of the regular fare to destination per one hundred pounds in excess of the said one hundred fifty pounds, but no charge for any fraction of the first one hundred pounds excess shall be less than ten cents, which shall be the minimum amount said carrier shall charge for excess baggage as herein provided.

3. That the baggage, samples, goods, wares, appliances and catalogues of commercial travelers, or their employers, and used by them for the exclusive purpose of transacting their business and carried with them solely for that purpose and which in no instance shall be sold or offered for sale or for free distribution, when securely packed and fastened in trunks and sample cases; provided, that no common carrier shall be required to transport any piece of baggage exceeding in greatest dimensions, seventy-two inches, or two hundred and fifty pounds maximum weight, excepting immigrant baggage checked at port of landing, whips in flexible cases, and public entertainment paraphernalia, are declared to be baggage within the meaning of this law or act, and such carriers are required to transport same with passengers from point to point within this State as herein provided.

4. That all passengers of whatever character having baggage transported by carriers under the provisions of this act, shall have twenty-four hours, not including legal holidays or Sundays for the removal of such baggage from the baggage room of station house of such carrier before storage shall be charged; except such baggage that may be received on Friday

of each week, which baggage shall be held by the carrier forty-eight hours, not including Sundays, before storage shall be charged by the carrier.

5. That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved September 29, 1915.

No. 645.)

AN ACT

(S. 501—Milner.

To further prescribe and regulate the right and manner of taking appeals in civil and criminal cases and their submission in the Supreme Court and Court of Appeals.

Be it enacted by the Legislature of Alabama:

1. That any appeal taken under the provisions of chapter fifty-three (53) of the Code of Alabama of 1907 must be taken within six months from the rendition of the judgment or decree, and shall be shown in the following manner: (A) When no bond or security is required the filing of a written statement setting out the parties and court, signed by the party appealing, or by his or her attorney of record that an appeal is taken from the judgment or decree in the case. (b) By giving security for the costs of the appeal to be approved by the clerk or register, or court. (c) By giving and having approved a supersedeas bond conditioned as required by law.

2. That after taking an appeal in the manner herein provided, and filing in the cause a bill of exceptions, or the expiration of the time for filing such bill of exceptions, or if the appellant sooner direct, the clerk, register or judge of probate, as the case may be, shall make out a transcript as required by law, and deliver the same to the appellant. He shall in making the transcript make a copy thereof for the appellee and deliver it to him or his attorney, and for the transcript he shall have ten (10) cents for each one hundred words and for the copy five (5) cents for each one hundred words, both of which shall be taxed costs against the unsuccessful party in the appeal.

3. That after the taking of the appeal the clerk or register or judge of probate shall, on demand of the appellee, make out and deliver to him a certificate showing the names of the parties, the court, a copy of the judgment or decree, and the date of the taking of the appeal, and the date the bill of exceptions was signed, if it has been filed, and a copy of the statement of appeal and security for costs, or the supersedeas bond.

4. That the appellant shall file the transcript in the office of the clerk of the Supreme Court, or Court of Appeals, within thirty days after the signing or establishing of the bill of exceptions or the expiration of the time for establishing the same.

5. That if the transcript is not filed in the office of the clerk of the court to which the appeal is taken within the time fixed by this act, the appellee may on any Thursday after the first call of the docket in the court to which the appeal is returnable, after the expiration of the time for filing of the transcript, present the certificate of appeal and certified copy of the security for costs of appeal, or supersedeas bond, and move the court for the dismissal of the appeal or affirmance of the judgment or decree appealed from and a judgment against the sureties for the costs of appeal, or on the supersedeas bond. But the appellate court may for good cause extend the time for filing the transcript.

6. That the clerk of the Supreme Court and clerk of the Court of Appeals shall enter all cases wherein appeal is taken, to the court of which he is clerk on a docket in the order in which the transcripts or certificates of appeal are presented.

7. That appeals in criminal cases must be taken at the time of sentence or confession of judgment or within six months thereafter in manner following: (a) An entry of record that defendant appeals from the judgment with or without suspension of judgment, as he may elect, to be taken at the time of judgment rendered, or: (b) The filing of a written statement signed by the defendant or his attorney that defendant appeals from the judgment; the statement to be filed within six months.

Approved September 22, 1915.

No. 649.)

AN ACT

(S. 330—Mr. Lusk.

To amend sections 6006, 1657, 1664 and 1669 of the Code so as to regulate the publishing of the reports of the Supreme Court, Court of Appeals, Acts, Journals and Public Printing.

Be it enacted by the Legislature of Alabama:

1. That section 6006 of the Code be, and the same is hereby amended so as to read: 6006. Twelve hundred copies of every volume of the reports of the decisions of the Supreme Court, and of the Court of Appeals shall be printed and bound under the direction and control of the reporter of the Supreme Court,

with the approval of the chief justice, in volumes of not less than seven hundred pages exclusive of title pages, table of cases reported and the index. There shall be printed immediately under the title of the cases a brief statement of the character of the case, as "bill to quiet title," "ejectment," etc., and immediately under this line there shall be printed the date when the case was submitted, and when decided, and if a rehearing was applied for, the date when the rehearing was granted or denied. In citing Alabama cases, the citation shall be to the volume and page of the official edition of the reports of the Supreme Court or Court of Appeals. The sections shall not have more than thirty-two pages and be hand-sewed to two strong tapes. Every book shall be printed in high grade machine-finished, book paper of not less than forty-five pounds weight of same quality as that in volume 187, Alabama Reports. The headnotes shall be printed in eight point type solid, and the rest of the report shall be printed in ten point type, on eleven point body, twenty-six pica ems wide, forty-five lines to the page. Three hundred copies of the report of the decisions of the Supreme Court and Court of Appeals shall be bound in law-sheep of the same shade and quality as volume 187, Alabama Reports, and shall have three labels on the back, of the same size letters and figures and arranged as volume 187, Alabama reports, and eight hundred and seventy-five copies shall be bound in best American buckram, equal in quality to that of volume 167, North Carolina reports, and of the same shade of color as nearly as possible, with the sheep binding on volume 187, Alabama reports. The publisher shall retain twenty-five unbound copies to replace any defective copies, and shall file with the secretary of State an affidavit that he has delivered to the secretary of State all the bound copies and that he has not and will not sell any copy of any report. The chief justice of the Supreme Court of Alabama, shall have the power, and it is made his duty to supervise and direct the reporter and publisher in the execution of this act, and it shall be his duty whenever the publisher is not executing his contract promptly and in good faith, to certify the facts to the Governor who shall forthwith cancel the contract and proceed under the law to make a new one. The publisher must deliver to the secretary of State all the bound copies of a volume, within sixty days from the date of the certificate of the reporter, that he has delivered the copy for a volume to the publisher. The reporter shall furnish to the chief justice a copy of his certificate to the publisher, showing the date of the delivery of copy sufficient

for a volume. All copies for exchanges and for distribution to judges, solicitors and other officers shall be bound in buckram.

2. That section 1657 of the Code be amended so as to read:

1657. That printing and binding in class four must be done in the city of Montgomery and all other printing and binding enumerated in class one, two and three may be done wherever the best work at the lowest bid can be had.

3. That section 1663 of the Code be amended so as to read:

1663. The secretary of State must during and after each session of the Legislature, prepare for publication fair copies of the acts and joint resolutions of the Legislature, and the numbers of the bills passed by the two houses of the Legislature as the same are placed thereon by the secretary of State and clerk thereof, and the name of the author of every bill shall be printed on the act, and published in the volumes of the session acts.

4. That section 1664 of the Code be amended so as to read:

1664. The acts and joint resolutions of the Legislature shall be printed and bound in one volume, unless they require more than twelve hundred pages on which to print them and the messages of the Governor, tables of interest of the several states, the names and post office address of the heads of all the departments, commissions and boards of the State government and of the officers and members of the Legislature, and when the matter enumerated will take more than twelve hundred pages, they shall be printed and bound in two volumes of the same size, and the maximum price per page for printing shall be three dollars.

5. That section 1669 of the Code be amended so as to read:

1669. The general acts, joint resolutions and journals must be printed on paper of the same weight and quality as that required for the Supreme Court reports, with ten point type, solid, twenty-six pica ems wide, and not less than twenty-six lines on the page; the heads of titles of the index in capitals; and must be hand-sewed to two strong tapes and bound in best quality of American buckram of the quality and color like that on the North Carolina Acts, 1915. The titles of the acts must be printed in eight-point type solid. The affidavits required to be printed in the journals, all the messages, reports and inserted matter must be printed in six-point type solid. The votes shall be printed in solid lines twenty-six pica ems wide with words, "Yeas" and "Nays" in italics. The journals, if not more than fifteen hundred pages shall be bound in one volume, and if more than fifteen hundred pages shall be bound in two volumes, in same quality of buckram as the acts, and shall be hand-sewed like the acts, and the maximum price per page shall be two

dollars, and the maximum price for binding the acts and journals shall be forty cents a copy, and this act shall not be construed to change the size of the type, or page of the acts passed after the recess of the Legislature of 1915, but all acts of this session must be printed in the same size type and page and on the same quality paper as those passed before the recess.

Approved September 22, 1915.

No. 650.)

(S. 529—Lee.

AN ACT

To amend section 2879 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

1. That section 2879 of the Code of Alabama be and the same is hereby amended so as to read as follows: 2879. When married women may appeal without giving bond or surety for costs.—From any judgment, order or decree of any court of record subjecting to sale or condemnation any property of or for the payment of money or the doing or performing any act by any married woman she is entitled to an appeal to the Supreme Court or Court of Appeals to revise such judgment, order or decree without giving security for the costs of appeal, on making affidavit that she is unable to give such security; and such appeal shall operate as a suspension and stay of all proceedings under such judgment order or decree until such appeal shall be determined by the Supreme Court or Court of Appeals.

Approved September 22, 1915.

No. 651.)

(S. J. R. 536—Lee.

SENATE JOINT RESOLUTION.

Proposing an amendment to section 48 of the Constitution of Alabama, so as to provide for biennial sessions of the Legislature.

Be it resolved by the Legislature of Alabama, That the following amendment to section 48 of the Constitution be proposed to the people of Alabama: Section 48. The Legislature shall meet biennially at the capitol, in the Senate chamber and in the hall of the House of Representatives, on the second Tuesday in January, 1919, next succeeding their election, and every

two years thereafter, or on such other day as may be prescribed by law; and shall not remain in session longer than fifty days. If at any time it should, from any cause, become impossible or dangerous for the Legislature to meet, or remain at the capitol, or for the Senate to meet or remain in the Senate chamber, or for the representatives to meet or remain in the hall of the House of Representatives, the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.

Adopted by the Senate September 8, 1915.

Adopted by the House September 20, 1915.

No. 652.)

(S. 808—Judge.

AN ACT

To fix the compensation of circuit judges, circuit solicitors and assistant solicitors in all circuits of the State of Alabama which circuits are composed of only one county and having two or more judges, or which circuits may hereafter have two or more judges and to provide that a portion of such salaries be paid out of the county treasury of the counties constituting the respective circuits.

Be it enacted by the Legislature of Alabama:

Section 1. That in all circuits of the State of Alabama, which are composed of only one county and which have more than three judges, the circuit judges and circuit solicitor of such circuits shall each receive an annual salary of four thousand five hundred (\$4,500.00) dollars, three thousand (\$3,000.00) dollars of the salary of each of such judges, and twenty-four hundred (\$2,400.00) dollars of the salary of such solicitor shall be paid out of the State treasury in the manner now or hereafter provided by law and one thousand five hundred (\$1,500.00) dollars of the salary of each of such judges and two thousand one hundred (\$2,100.00) of the salary of such solicitor shall be paid out of the county treasury of the county constituting such circuit in twelve equal monthly installments upon the warrants of the judge or solicitor.

Sec. 2. That in all circuits of the State of Alabama, composed of only one county or which circuits may hereafter be composed of only one county, having three judges and the circuit judges and circuit solicitor of such circuits shall each receive an annual salary of four thousand five hundred (\$4,500.00) dollars, three thousand (\$3,000.00) dollars of the salary of

each of such judges and two thousand four hundred (\$2,400.00) dollars of the salary of such solicitor shall be paid out of the State treasury in the manner now or hereafter provided by law and one thousand five hundred (\$1,500.00) dollars of the salary of each of such judges and two thousand one hundred (\$2,100.00) dollars of the salary of such solicitor shall be paid out of the county treasury of the county constituting such circuits, in twelve equal monthly installments, upon the warrants of the judge or solicitor.

Sec. 3. That in all circuits of the State of Alabama composed of only one county, or which circuits may hereafter be composed of only one county, having three judges, the assistant solicitor shall receive an annual salary of two thousand four hundred dollars, one thousand five hundred dollars of which salary shall be paid out of the State treasury as the salaries of circuit solicitors are paid and nine hundred dollars shall be paid out of the county treasury of the county constituting such circuit in twelve equal monthly installments upon the warrant of such assistant solicitor. In circuits having more than three circuit judges, the circuit solicitor may appoint not exceeding three deputy or assistant solicitors who shall be paid the following salaries: For the first deputy or assistant solicitor, thirty-six hundred (\$3,600.00) dollars per annum, and for the other two, twenty-four hundred (\$2,400.00) dollars per annum each; twenty-four hundred (\$2,400.00) dollars annually of the salary of the first deputy or assistant solicitor, and eighteen hundred (\$1,800.00) dollars annually of the salary of each of the other deputy or assistant solicitors to be paid out of the State treasury as the salaries of the circuit solicitors are paid, and twelve hundred (\$1,200.00) dollars annually of the salary of the first deputy or assistant solicitor, and six hundred (\$600.00) dollars annually of the salary of each of the other deputy or assistant solicitors to be paid out of the treasury of the county composing such circuit, in monthly installments, on warrants drawn on the treasurer by the circuit solicitor in favor of such deputies or assistants.

Sec. 4. That in all counties of the State of Alabama, which are now, or which may hereafter be composed of only one county, and having two judges, each of the said judges shall receive a salary of four thousand (\$4,000.00) dollars per annum, three thousand (\$3,000.00) dollars of the salary of each of such judges shall be paid out of the State treasury in the manner now, or hereafter provided by law, and one thousand (\$1,000.00) dollars of the salary of each of such judges shall be paid out of the

county treasury of the county constituting such circuit in twelve equal monthly installments, upon the warrant of the president of the board of revenue of such county. That in such circuits the circuit solicitor shall receive a salary of three thousand six hundred (\$3,600.00) dollars per annum, two thousand four hundred (\$2,400.00) dollars of which salary shall be paid out of the State treasury in the manner now, or hereafter provided by law, and one thousand two hundred (\$1,200.00) dollars of which salary shall be paid out of the county treasury of the county constituting such circuit, in twelve equal monthly installments upon the warrant of the president of the board of revenue of such county.

Sec. 5. That the assistant solicitor in counties which now, or may hereafter alone constitute a circuit having two judges shall receive an annual salary of one thousand eight hundred dollars; one thousand five hundred dollars of which shall be paid out of the State treasury in the manner now or hereafter provided by law for the payment of circuit solicitors and three hundred dollars of which salary shall be paid out of the county treasury of the county constituting such circuit in twelve equal monthly installments upon the warrant of the president of the board of revenue of such county.

Sec. 6. That if any section, clause or provision of this act shall be declared unconstitutional it shall not be held to affect any other section, clause or provision of this act, but the same shall remain in full force and effect.

Sec. 7. That this act shall become effective on the second Tuesday in January, 1917.

Sec. 8. That the officers named in this act shall receive no compensation whatsoever for their services except the compensation hereinabove provided and that all laws, local and general, in conflict with the provisions of this act are hereby repealed.

Sec. 9. That the compensation of the judges and solicitors as provided in this act shall be the only compensation they shall receive.

Approved September 22, 1915.

No. 653.)

(S. 651—Burns.

AN ACT

To further regulate the issuance of patents to owners or purchasers of sixteenth section land and prescribe the conditions on which the said patents may be issued and by whom.

Be it enacted by the Legislature of Alabama:

Section 1. That when a person is in possession of any sixteenth section land, under color of title, and has been in such possession for more than 20 years prior to the first day of May, 1908, and the State, nor any department thereof holds no note, bond, obligation or other contract of any one for the purchase money of such land, and the State superintendent of education, and the State auditor shall so certify, and the attorney general shall certify that proof of adverse possession, by the person now in possession, or coupled with his predecessor in possession, for 20 years prior to May the first, 1908, under color of title, has been made, which proof is satisfactory to the attorney general, the secretary of State must issue a patent, in the name of the State to such land, to the person entitled to under this act.

Approved September 25, 1915.

No. 655.)

(S. 874—Denson.

AN ACT

To further prescribe the authority and duties of the attorney general and of solicitors acting under his authority; and to provide for the employment of special assistants to the attorney general; to provide for the conduct of the office of attorney general, to make an appropriation therefor, and to prescribe the method of its expenditure.

Be it enacted by the Legislature of Alabama:

Section 1. That the attorney general shall have the authority either in person or by assistant to appear before any grand jury in this State, and to present any matter or charge to them for investigation and to prepare and present to the grand jury indictments for any violation of the laws of this State and issue subpoenas for witnesses to appear in the same manner and to the same extent as solicitors are now, or may hereafter be authorized by law to do.

Sec. 2. That the attorney general, either in person or by one of his assistants, shall have the authority at any time he sees proper, either before or after indictment to superintend and direct the prosecution of any criminal cause in any of the courts of this State; and it shall be the duty of the solicitor prosecuting in such court, to assist and act in connection with the attorney general, or his assistant in such cause.

Sec. 3. That the attorney general shall have the authority and it shall be his duty to give the solicitors of the several cir-

cuits any opinion, instruction, or advice necessary or proper to aid them in the proper discharge of their duties either by circular or personal letter, and may direct any solicitor to aid and assist in the investigation, or prosecution of any cause in which the State is interested, in any other circuit or county than that of the solicitor so directed. Such solicitors shall have and exercise in such other county, or circuit all the powers and authority imposed by law upon the solicitor of such other county, or circuit. Provided, that the authority contained in this section shall not be held to conflict with or abridge any authority which may have been or which may be vested in the chief justice of the Supreme Court. Provided further, that nothing herein contained shall be construed to authorize the attorney general, any assistant of the attorney general, or other person at the instance or request of the attorney general to appear or in any way act in the name of the State in any civil suit or proceeding by or against any county or county officer in which the State of Alabama has no direct financial interest.

Sec. 4. That whenever in his opinion the public interest requires it, by reason of the volume of the work in his office and the importance of the business and the interest of the State in the matter, whether civil or criminal, the attorney general, with the approval of the Governor, or the Governor himself, may retain and employ, in the name of the State of Alabama, such attorneys and counselors at law as he thinks necessary to the proper conduct of the public business, and shall stipulate in writing with such attorneys and counselors the amount of their compensation to be approved by the Governor before employing them, and shall have supervision of their conduct and proceedings. Every attorney or counselor who is specially retained under the authority of the attorney general or the Governor, to assist in the trial of any case, or in any other matter in which the State is interested, shall receive a commission from the secretary of State as a special assistant to the attorney general; and shall take the oath required by law to be taken by the attorney general, and shall be subject to all the liabilities imposed upon them by law. The special assistants to the attorney general herein authorized shall be paid upon the warrant of the auditor drawn upon the certificate of the attorney general, approved by the Governor, that their services were actually rendered, that they were necessary for the efficient conduct of the public business, and could not be performed by the officers regularly provided by law.

Sec. 5. He shall employ such clerical assistance in his office as may be necessary for the conduct thereof, and such employees shall be paid a compensation to be fixed by the attorney general, and approved by the Governor. The salaries of such clerical help shall be paid out of the treasury as the salaries of other State employees are paid.

Sec. 6. The attorney general is authorized to incur such expenses as may be necessary in the investigation of violations of the criminal law, in the prosecution of crime, and in the conduct, investigation and prosecution of any civil cause in which the State is interested or the State's revenues involved. Authority is herein contained for the attorney general and his assistants to incur such traveling expenses in the performance of their duties as may be necessary; and the like expenses of solicitors traveling in obedience to the direction of the attorney general as herein prescribed shall be paid; and such other incidental expenses of the office as may be necessary. All such expenses shall be paid by warrant drawn by the State auditor upon the certificate of the attorney general of accounts properly itemized and sworn to, such certificate to be approved by the Governor.

Sec. 7. During the absence of the attorney general from the seat of government, or when so directed by him, the assistant attorneys general shall have the authority to render official opinions to such officers as the attorney general is required to advise, and to perform such other duties as may be directed by the attorney general; provided, that during such absence such authority shall be vested in the senior assistant to be designated by the attorney general, and in the absence of the latter also, in the next ranking assistant. The performance of such duties by such assistants shall have the same force and effect as if performed by the attorney general.

Sec. 8. There is hereby appropriated out of the State treasury a sum of money sufficient to meet the expenses incurred under the provisions of this act.

Sec. 9. That, if for any reason any section, provision, clause, or part of this act shall be held to be unconstitutional or invalid, then that fact shall not affect or destroy the validity or constitutionality of any other section, provision, clause, or part of this act, which is not in and of itself unconstitutional or invalid, and the remaining portion of this act shall be held valid without regard to the section, provision, clause, or part so held to be invalid.

Approved September 22, 1915.

No. 656.)

(S. 511—Lee.

AN ACT

To amend an act to amend section 2846 of the Code of Alabama, approved April 5, 1911.

Be it enacted by the Legislature of Alabama:

1. That an act to amend section 2846 of the Code of Alabama, approved April 5, 1911, be amended so as to read: 2846. Whenever a motion for a new trial shall be granted or refused by the circuit or city court or county court of law and equity, or probate court, in any civil or criminal case at law, either party in a civil case, or the defendant in a criminal case may except to the decision of the court and shall reduce to writing the substance of the evidence in the case, and also the decision of the court on the motion and the evidence taken in support of the motion and the decision of the court shall be included in the bill of exceptions which shall be a part of the record in the cause, and the appellant may assign for error that the court below improperly granted or refused to grant a new trial, and the appellate court shall have power to grant new trials, or to correct any error of the circuit court, city court and court of like jurisdiction, county court of law and equity, or probate court in granting, or refusing the same. And no presumption in favor of the correctness of the judgment of the court appealed from, shall be indulged by the appellate court.

Approved September 22, 1915.

No. 657.)

(S. 616—Holmes.

AN ACT

To further regulate primary elections in this State.

Be it enacted by the Legislature of Alabama:

1. That from and after the passage of this act all expenses, including fees for managers, clerks, returning officers, the serving of notices, and all other charges and expenses, for holding primary elections in this State, for the nomination of candidates for office by the several political parties, shall be the same as are now provided by law for general elections in this State, and shall be paid in like manner as fees and charges for holding such general elections.

2. That no person shall be assessed a fee by the committee or other governing body of any political party in this State, as a condition for standing for nomination to any office in primary elections.

3. That any person found guilty of a violation of this act shall be guilty of a misdemeanor, and shall be fined not less than twenty-five nor more than one hundred dollars.

4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 22, 1915.

No. 659.)

(S. 748—Hall.

AN ACT

To make appropriation for the payment of the expenses to be incurred in the proclamations of the Governor on constitutional amendments to be submitted to the qualified voters of the State under the authority of joint resolution adopted at the 1915 session of the Legislature of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of twenty-five thousand (\$25,000) dollars, or so much thereof as may be necessary is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of paying for the publication of the proclamations of the Governor on the proposed amendments to the Constitution to be submitted to the qualified voters of the State under the authority of joint resolution adopted at the 1915 session of the Legislature of Alabama.

Sec. 2. The auditor shall draw his warrant on the State treasurer for the payment of accounts due newspapers that publish said proclamation upon the verification of said account by the secretary of State and approved by the Governor.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved September 22, 1915.

No. 660.)

(S. 158—Key.

AN ACT

To require the bodies of all dead animals to be burned or buried, and to provide a penalty for the failure to do so.

Be it enacted by the Legislature of Alabama:

1. That it shall be the duty of all owners or custodians of animals which die or are killed in their possession or custody, other than such as are slaughtered for food, within twenty-four hours to cause the bodies of such animals to be burned, or buried at least two feet below the surface of the ground, provided that hogs dying with cholera shall be burned. No such burning shall be sufficiently near a residence or residences as to create a nuisance.

2. Any person violating this act, either by failure to burn or bury an animal, dying or being killed in his possession or by causing the same to be burned in such proximity to a dwelling, or in such other way as to become a nuisance, shall on conviction be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

Approved September 22, 1915.

No. 662.)

(S. 764—Pride.

AN ACT

To amend sections 1222 and 1226 of the Code of 1907, relating to recorders and recorders courts, and to fines and sentences imposed by them.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That section 1222 of the Code of Alabama of 1907 be and it is hereby amended so as to read as follows:

“Section 1222. Fines and punishments same as in State courts. When the recorder, under the preceding section, convicts a party of a misdemeanor against the State, the limits of the punishment shall be those imposed by the State law for the offense; and whenever the State has prescribed for such offense punishments in the alternative or conjunctively, such as fine and imprisonment or hard labor for the county, or compulsory imprisonment or hard labor for the second or a subsequent offense, the punishment to be inflicted by the municipal officer enforcing the State law shall be as prescribed by the State law, and within the limits prescribed for the particular offense; and in no case less than the minimum fixed by the State law.

Sec. 2. That section 1226 of the Code of Alabama of 1907, be and it is hereby amended so as to read as follows: “Section 1226. Mayor may remit fines and commute sentences. The mayor or city commissioner or other officer or official body hav-

ing the authority of mayor shall have power to remit fines and commute sentences imposed by the recorder for violations of municipal ordinances, but neither he nor any municipal officer shall have any power to remit, commute, or alter the fines and sentences, or either, imposed by the recorder in the enforcement of State laws, under the jurisdiction conferred by section 1221 of this Code" and he shall report his action to the council or other governing body at the next regular session with his reasons therefor in writing.

Approved September 22, 1915.

No. 663.)

AN ACT

(S. 791—Hill.

To amend subdivision 7 of section 5987 of the Code of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama*, That subdivision 7 of section 5987 of the Code of Alabama be amended so as to read as follows: (7) At the end of each term, to have the transcripts of the records of all cases, and the manuscript opinions of the court, decided at such term, bound in strong binding and lettered so as to show the term at which the decisions were made. This act shall also apply to the clerk of the Court of Appeals, and take effect immediately on its passage.

Approved September 22, 1915.

No. 664.)

AN ACT

(S. 345—Kline.

To amend section 5422 of the Code of Alabama, 1907 (relates to indexes to all instruments filed for record by the probate judge, and provides for separate indexes to instruments conveying real and personal property).

Be it enacted by the Legislature of Alabama:

1. That section 5422 of the Code of Alabama, 1907, be and the same is hereby amended so as to read as follows: 5422. Index of instruments recorded to be kept by probate judge. The judge of probate of each county in this State shall keep in his office four well bound books, of suitable size and grade of paper, in which to make a general direct and a general reverse index of each instrument filed for record in his office, and two of said books shall be used for conveyances of real property, and two

for conveyances of personal property and all other instruments entitled to record in his office. In the general direct indexes he shall enter, in regular alphabetical order, under appropriate title, the name of each maker of the instrument, the name of each person to whom made, the date and character of such instrument, and the date filed for record, and in the general reverse indexes, in like alphabetical order, under its appropriate title he shall enter the name of each person to whom the instrument is made, the name of each person by whom the instrument is made, the date and character of such instrument, and the date filed for record. In instruments containing conveyances of both real and personal property, they shall be entered upon each set of indexes. Immediately on receipt of any instrument to be recorded, the judge of probate shall make those entries; and after recording the instrument, the book and page in which the record is made shall be noted opposite each name thus placed in such general direct and in such general reverse indexes. The failure to comply strictly with the provisions of this section shall subject the judge of probate to a penalty of one hundred dollars for each failure, to be recovered by any person who will sue for the same, besides damages to any person injured by such failure.

Approved September 22, 1915.

No. 666.)

(S. 476—Denson.

AN ACT

To regulate the charging of fees and furnishing of information within the several departments of the State, and to provide for the covering into the State treasury of such fees.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act it shall be unlawful for any State officer except as otherwise expressly provided by law, to appropriate to his own use any fees, perquisites, or emoluments, incident to his office, for any information, documents, papers, writings or certificates; but fees shall be charged as hereinafter provided.

Sec. 2. Whenever any person desires documents, copies of papers, writings or certificates or any abstract of the same, peculiar to any department of this State, a charge of 10 cents a hundred words shall be paid therefor, whereupon such copies of

documents, papers, writings, abstracts or certificates, shall be furnished and any and all sums or amounts collected shall be covered into the State treasury immediately and any information furnished for which a charge is made and collected the said sum so charged and collected shall be covered into the treasury immediately.

Sec. 3. A book or register of all fees, charged as provided in the preceding section, shall be kept in the several departments which shall be open for inspection at any time.

Sec. 4. The head of any department, or person under his employ, who shall be guilty of violating any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding five hundred dollars and not less than one hundred dollars.

Approved September 29, 1915.

No. 667.)

(S. 734—Lee

AN ACT

To prohibit white female nurses from nursing, or being employed in nursing in wards or rooms in hospitals, either public or private, in which negro men are placed for treatment, or to be nursed, and to provide the punishment for a violation thereof.

Be it enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person or corporation to require any white, female nurse to nurse in wards or rooms in hospitals, either public or private, in which negro men are placed for treatment, or to be nursed.

Sec. 2. It shall be unlawful for any white female nurse to nurse in wards or rooms in hospitals, either public or private in which negro men are placed for treatment, or to be nursed.

Sec. 3. Upon conviction for a violation of either of the foregoing sections the court shall assess a fine of not less than ten, nor more than two hundred dollars, and it may also, as additional punishment, sentence such person, upon conviction, to confinement in the county jail, or to hard labor for the county for a term not exceeding six months.

Sec. 4. That all laws and parts of laws in conflict with this act, be and the same are hereby expressly repealed.

Approved September 29, 1915.

No. 668.)

(S. 300—Ellis.)

AN ACT

To appropriate the sum of one thousand dollars, annually, for the expense of holding the annual reunion of the Alabama division of the United Confederate Veterans and to authorize the Governor to appoint a commissioner to receive and disburse the said fund.

Section 1. *Be it enacted by the Legislature of Alabama,* That the sum of one thousand dollars annually is hereby appropriated for the expenses of holding a general State reunion of Alabama Confederate veterans at the place selected by the proper authorities of the Alabama Division of Confederate Veterans.

Sec. 2. *Be it further enacted,* That the Governor of this State shall appoint a commissioner who shall be authorized annually to receive and disburse said fund; said commissioner to act without compensation in performing his duties in connection with said fund.

Sec. 3. *Be it further enacted,* This appropriation shall be paid annually to said commissioner upon the warrant of the auditor of the State drawn upon the State treasurer, out of any funds in the treasury not otherwise appropriated.

Sec. 4. *Be it further enacted,* That said commissioner shall be authorized to expend said fund annually through the local committee of the place, town or city, where said reunion may be held for that year for the expenses of holding the same, on the approval of a committee appointed annually by the State reunion of Confederate veterans. Provided that the expenditures hereunder shall be subject to examination by the public examiner under the direction of the Governor. That the commissioner provided for by this act shall be a Confederate soldier.

Approved September 28, 1915.

No. 669.)

(H. 1512—Carmichael.)

AN ACT

To provide for the preservation of the aboriginal and other antiquities, mounds, earthworks, ancient forts and graves in the State of Alabama.

Be it enacted by the Legislature of Alabama:

1. That the State of Alabama reserves to itself the exclusive right and privilege of exploring, excavating or surveying, through its authorized officers, agents or employees, all aboriginal and other antiquities, mounds, earthworks, ancient or his-

toric forts, and burial sites within the State of Alabama, subject to the rights of the owner of the land upon which such antiquities are situated, for agricultural, domestic or industrial purposes; and that the ownership of the State is hereby expressly declared in any and all objects whatever which may be found or located therein.

2. That it is hereby made unlawful for any person not a resident of the State of Alabama, either by himself personally, or through any agent or employee, or for any one else acting for such person, to explore or excavate any of the remains described in section one hereof, or to carry or to send away from the State any objects which may be discovered therein, or which may be taken therefrom, or found in the vicinity thereof.

3. That no explorations or excavations shall be made in any of such remains without the consent of the owner of the land first had and obtained, and without such work is done in such way as not to injure any crops, houses or improvements on the land adjacent to or forming a part of such remains.

4. That no explorations or excavations shall be made, which will destroy, deface, or permanently injure such remains; and that after any such explorations or excavations, they shall be restored to the same like condition as before such explorations or excavations were made.

5. That no objects taken from such remains shall be sold or disposed of out of the State, but when removed therefrom, the objects so gathered shall be retained in State custody, and either placed in the collection of the department of archives and history, or in the museums or in the libraries of the educational or other institutions of the State, or they may be exchanged for similar or other objects from other states, museums, libraries, or individuals.

6. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one hundred dollars for each offense.

Approved September 29, 1915.

No. 672.)

(H. 1397—Fite of Marion.

AN ACT

To make an annual appropriation for any county that may be levying and collecting a special county school tax during any scholastic year, and to provide for the expenditure of the fund set apart for any county by the county board of education.

Be it enacted by the Legislature of Alabama:

1. That for the school year beginning Oct. 1, 1915, and for each and every year thereafter there is hereby appropriated out of any funds in the State treasury not otherwise expended, the sum of one thousand (\$1,000) dollars to each and every county in the State that may be levying and collecting for such school year a one-mill special county school tax.

2. That for the school year beginning Oct. 1, 1917, and for each and every year thereafter, there is hereby appropriated out of any funds in the State treasury not otherwise expended the sum of two thousand (\$2,000) dollars to each and every county in the State that may be levying and collecting for such school year a two-mill special county school tax. Provided that any county receiving the benefit of section two of this act shall not be entitled to share under section one of this act.

3. That for the school year beginning Oct. 1, 1917, and for each and every year thereafter, there is hereby appropriated out of any funds in the State treasury not otherwise expended, the sum of three thousand (\$3,000) dollars to each and every county in the State that may be levying and collecting for such school year a three-mill special county school tax. Provided that any county receiving the benefit of section three of this act shall not be entitled to share under sections one and two of this act.

4. That at the beginning of the school year Oct. 1, 1915, and each and every school year thereafter, the State superintendent of education shall certify to the State auditor the name and amount to be placed to the credit of each and every county under the provisions of this act, and the auditor shall upon request of the State superintendent of education, draw his warrant upon the State treasurer in favor of the county treasurer of school funds of the county for the amount so certified by the State superintendent of education in accordance with this act.

5. That the funds so set apart for any county shall be expended by the county board of education of any county entitled to receive the benefits of this act, as in the opinion of said county board will best promote the cause of education in said county.

6. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved Sept. 23, 1915.

No. 673.)

(H. 1554—John.

AN ACT

To provide for the holding of teachers' institutes in this State, to authorize the employment of institute conductors, and to make necessary appropriations for the same.

Be it enacted by the Legislature of Alabama:

1. That the sum of \$6,500 be appropriated annually out of the general educational fund for the purpose of defraying the expenses of holding and conducting institutes for the teachers of this state.

2. That a teachers' institute shall be held each year in the several counties of the State or such groups of counties as the State superintendent of education may designate. The time for holding the institutes shall be fixed by the State superintendent of education after consultations with the county boards of education concerned.

3. That for the purpose of conducting these institutes, the State superintendent of education is authorized to employ persons of recognized ability to conduct the same under his direction, and to pay the persons so employed such salaries and expenses as may be required and as the funds will permit.

4. That it is hereby made the duty of teachers to attend an institute for four full days in each scholastic year, and no teacher shall be employed in any elementary or high school supported in whole or in part from public funds, unless such teacher shall file with the board of education of the county or the incorporated city or town, as the case may be, a certificate showing that such teacher has attended a county institute for four full days within twelve months next preceding the date such teacher is to begin work under his contract, or that such teacher has attended an institution of higher learning and pursued a course of professional study for at least three weeks during the scholastic year in which the institute is held; provided that the State superintendent of education shall have power to excuse teachers from institute attendance for extraordinary reasons, and to this end he shall make rules and regulations governing the same; provided further, that the signed statement of the State superintendent of education that any teacher is excused by him shall be accepted in lieu of the certificate of institute attendance required in this section.

5. That the county board of education and the boards of education of all incorporated cities and towns shall cause all

the schools under their control for any race for which a teachers' institute is being held in a county or in a group of counties, to be suspended during the time of the holding of such institute, and the contract of any teacher who fails to attend an institute so held shall thereby be voided, unless the person conducting said institute shall file with the county superintendent of education a written statement that he has excused, for good and sufficient reasons, the teacher failing to attend said institute. The conductor of any institute shall issue a certificate of attendance to each teacher attending the sessions of the institute, and shall make in duplicate a list of all teachers present at the institute for the required time and of those excused by him, and he shall file a copy of said list with the county superintendent of education and shall send the original to the State superintendent of education.

6. That each teacher attending an institute shall pay to the county superintendent of education a fee of not less than fifty cents and not more than one dollar, which shall be used to supplement the state fund appropriated by this act for the maintenance of teachers' institutes.

7. That the funds appropriated under this act shall be used for the payment of the salaries and expenses of the institute conductors and for such other expenses as may be necessary to make this act of the greatest benefit to the teachers of the state; and the State auditor shall, upon the approval of the State superintendent of education, issue warrants on the State treasury for said salaries and expenses; provided that the institute conductor shall be paid as other State officers are paid; provided further that all unexpended balances remaining to the credit of the institute fund for the year ending September 30, 1915, shall be conveyed into the State treasury, to be drawn out upon the requisition of the State superintendent of education in the same manner that the appropriation under this act is drawn, and all unexpended balances after the above date at the end of any fiscal year shall remain to the credit of said institute fund, to be expended in any following year.

8. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved September 23, 1915.

No. 675.)

(H. 1057—Jones of Lauderdale.

AN ACT

To give to the State board of health supervision and control over the source or sources of supply of all water works plants or systems operated by any person, firm, corporation or municipality operating water works, or supplying water for domestic purposes; to provide for the examination and analysis of the water so supplied to the public; to regulate the conditions upon which water works plants may be built, or the source of supply changed or enlarged; to prevent the furnishing of impure or polluted water to the public, and to provide for maintaining the purity of all public water supplies.

Be it enacted by the Legislature of Alabama:

Section 1. That the State board of health shall exercise supervision over, and shall from time to time by its employees or agents, examine the source of supply of the various water works systems in this State, and also the method of filtering and treating such water and delivering the same to consumers. The State board of health shall from time to time make such recommendations to any person, company, corporation or municipality supplying water for domestic purposes to consumers, as will tend to improve the water supply or to preserve its purity.

Sec. 2. It shall be the duty of the State board of health to procure as often as once every three months, and oftener if in the opinion of the president of the State board of health, it should be necessary, a sample of water furnished to consumers by each person, company, corporation, institution or municipality in this State which supplies water for domestic purposes to the public from or by means of any water works or water works system. It shall be the duty of the State board of health to cause a bacteriological examination to be made of the samples of water so procured, and to record such analyses in a book kept for that purpose in the office of the State board of health and to furnish to the municipal authorities in which the water works system is located a copy of such analyses, and if such water works system is owned by an individual or private corporation, to furnish a copy of such analyses to such individual or private corporation also.

Sec. 3. The State board of health is charged with the duty of inspecting from time to time the quality of water furnished to consumers by any person, firm, corporation, association or municipality, and when it has been ascertained by the State board of health that any water furnished to consumers is impure, or is unfit for human consumption, or is likely to cause

disease in man, the State board of health shall notify the person, company, corporation, institution or municipality furnishing to consumers the water which is found to be impure, and shall direct such steps shall be taken to purify such water supply and to prescribe the time within which such steps shall be taken to make such water supply conform to the requirements of the State board of health, and if any such person, firm, corporation, institution or municipality shall fail within the time required by such order to take the steps required by the State board of health, and remove the cause of complaint, the State board of health shall publish in a newspaper published in the county a statement to consumers of water so found to be impure, calling their attention to the impurity of the water supply and directing them as to the course to be taken for the preservation of the health of such consumers.

Sec. 4. After the passage of this act, no water works plant or system shall be constructed until application has been made to the State board of health for a permit stating the place where such water works system is to be constructed, and describing the source of the water supply; and no new source of water supply shall be established or developed until a like application for a permit is filed with the State board of health describing such new or additional water supply which it is proposed to develop. When such application is made, it shall be the duty of the State board of health within thirty days thereafter to examine the source of water supply, and the drainage of the land adjacent thereto, and to analyze the water and determine whether it is or not, or can be made, pure and wholesome and suitable as a domestic water supply. The State board of health shall pay particular attention to the water shed which it is proposed to utilize and the liability of the same to pollution, and it shall not approve the application of any person, firm, corporation or municipality to develop or utilize a source of supply where the water is unfit for use or likely to become so. The State board of health in making such examination shall consider all the facts and circumstances bearing upon the source of supply, and the possibility of its contamination, and if it ascertains that the water is unfit for domestic purposes, is contaminated, or likely to become so, or that the drainage of the water shed is likely to cause pollution of said water supply in such a way that the same can not be remedied, the State board of health shall refuse to grant to any person, company, corporation, institution or municipality, a permit to utilize said water supply, provided however, that the State board of health may issue said permits if the water so

proposed to be used can be purified, and the person, firm, corporation or municipality desiring to develop or utilize the same, will comply with the requirements of the State board of health, and treat and purify such water in the manner prescribed by it.

Sec. 5. No person, firm, corporation, institution or municipality shall hereafter construct any water works or water works system for supplying water for domestic purposes to the public, without having first obtained a permit from the State board of health as provided in the preceding section, and no municipal corporation shall be authorized to incur any debt, or to issue any bonds in aid of such water supply unless a permit shall first have been obtained from the State board of health approving the source of supply as set out in the preceding section.

Sec. 6. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 7. That no provision of or contained in any section of this act shall be construed to be in conflict with or to supplant any power now or hereafter to be vested in municipal corporations to regulate, supervise or control the source or sources of supply of water works plants or systems supplying water to cities and towns and the inhabitants thereof, to provide for examinations or analyses of water, to prescribe the conditions upon which water works plants may be built or the sources of supply changed or enlarged, or to prevent the furnishing of impure or polluted water or provide for the purity of water supplies or the maintenance of the purity thereof.

Approved Sept. 23, 1915.

No. 676.)

(H. 1223—Tubb

AN ACT

To amend an act approved April 22nd, 1911, entitled an act to amend section 1258 of the Code of Alabama of 1907.

Be it enacted by the Legislature of the State of Alabama:

That an act entitled an act to amend section 1258 of the Code of Alabama approved April 22nd, 1911, be and the same is hereby amended so as to read as follows: All ordinances shall, as soon as may be after their passage be recorded in a book kept for that purpose, and be authenticated by the signature of the clerk, and all ordinances or regulations of a general or permanent nature shall be published in some newspaper of general cir-

ulation in the city or town, but if no such newspaper is published within the limits of the corporation, such ordinances or resolutions may be published by posting copies thereof in three public places within the limits of the city or town, two of which places shall be at the post office and the mayor's office in such city or town. When the ordinance is published in the newspaper, it shall take effect from and after the time it shall first appear in said publication and when published by posting it shall take effect five days thereafter, except as herein otherwise provided. Immediately following the record of any ordinance the clerk shall append a certificate stating therein the time and manner of publication thereof, which certificate shall be presumptive of the facts stated therein. All ordinances granting a franchise shall be published at the expense of the party or parties to whom the franchise is to be granted. Provided that, in cities or towns having a population of less than three thousand inhabitants as shown by the last or any subsequent Federal census, publication may be either by posting as herein provided in case of no newspaper being published in the town or by publication in a newspaper, at the option of the governing body of such city or town.

Approved Sept. 23, 1915.

No. 677.)

(H. 182—Weakley.

AN ACT

To amend section 3025 of the Code of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That section 3025 of the Code of Alabama be amended so as to read as follows: 3025. Whenever a bridge, ferry or causeway is necessary on the line between two counties, and the work is too great to be done by the overseers, the same must be built at the joint expense of such counties in proportion to the amount of taxable property in each; and when the cost of building any county line bridge is so great that it cannot be paid by the counties which such stream divides, which fact may be determined by the court of county commissioners of either county, such counties, or either of them, may make such contracts and incur such debt as may be necessary within constitutional limits, to procure for the use of such counties, or either of them, or the

inhabitants thereof, the free use of a thoroughfare for vehicles and foot passengers over or across any bridge that may be built by any person, firm or corporation over any stream forming the dividing line between such counties, and to pay any debt that may be thereby incurred any county may issue its bonds when such issue is authorized by vote as required by law. And a county line, bridge or ferry in the meaning of this section, shall be construed to be a bridge or ferry across a stream or slough between two counties whether the actual dividing line between said counties runs on either bank, or in the center of said stream or slough.

Approved Sept. 23, 1915.

No. 678.)

(H. 1591—Hogan.

AN ACT

To authorize county commissioners, or boards of revenue in counties in this State of one hundred and fifty thousand inhabitants, or more, according to last Federal census or any subsequent Federal census to elect physicians to attend the inmates of county poor houses and jails, and to fix their terms of office and compensation.

Section 1. *Be it enacted by the Legislature of Alabama,* That the courts of county commissioners or boards of revenue in the various counties in this State of one hundred and fifty thousand inhabitants or more according to the last Federal census, or any subsequent Federal census be and they are hereby authorized and empowered from and after the approval of this act, to elect a physician or as many physicians, as in their discretion, may be necessary to attend the inmates of the county poor houses and jails in such counties.

Sec. 2. That such courts shall fix and determine the term or terms of such physician or physicians, which term or terms of office shall not be for a longer period than the expiration of the terms of office of the members of such courts, and such courts shall fix and determine the amount of compensation which shall be paid to such physician or physicians and shall determine what duties such physician shall perform.

Sec. 3. That all laws, local, general or special in conflict herewith, are hereby expressly repealed.

Approved Sept. 23, 1915.

No. 679.)

(H. 1550—Carmichael.

AN ACT

To supply the department of archives and history with sets of official publications for exchange purposes.

Be it enacted by the Legislature of Alabama:

1. That, in addition to the number of copies of any report or other official publication of any executive office, department, commission, bureau, board and State institution, now or which may hereafter be authorized by law, except the reports of the Supreme Court, the Court of Appeals and the Acts and Journals of the Legislature, the State printer or other person printing such report or document, shall print two hundred and fifty additional copies for the use of the department of archives and history, to be held for free distribution and exchange with State libraries, public libraries, institutions and individuals in Alabama and elsewhere.

Approved Sept. 23, 1915.

No. 680.)

(H. 1451—Tubb.

AN ACT

To amend section 3 of an act entitled "An act regulating administrations of estates in the chancery courts, and courts of like jurisdiction in this State," approved on the 21st day of April, 1911.

Be it enacted by the Legislature of Alabama:

Section 1. That section 3, of an act entitled "An act regulating administrations of estates in the chancery courts and courts of like jurisdiction in this State," approved on the 21st day of April, 1911, be amended so that section 3 shall read as follows:

Sec. 3. That the administration of any estate may be removed from the probate court to the chancery court, or court of like jurisdiction, at any time before a final settlement thereof, by any heir, devisee, legatee, distributee, executor, administrator, or administrator with the will annexed, of any such estate, without assigning any special equity; and an order of removal must be made by the court, chancellor or judge, either in term time or vacation, upon the filing of a sworn petition by any such heir, devisee, legatee, distributee, executor, administrator, or administrator with the will annexed, of any such estate, reciting

that the petitioner is such heir, devisee, legatee, distributee, executor, administrator, or administrator with the will annexed and that in the opinion of the petitioner such estate can be better administered in the chancery court, or court of like jurisdiction, than in the probate court.

Approved Sept. 23, 1915.

No. 681.)

(H. 1546—Chamberlain.

AN ACT

To appropriate the sum of four thousand dollars to pay the unpaid salaries of the officers and employees of the Alabama oyster commission.

Whereas, the Alabama oyster commission, at the time it was abolished by the Legislature of this State, was indebted to its officers and employees for services rendered by them to the said commission; and

Whereas, there are no funds available with which to pay said salaries; and

Whereas, the Legislature of this State, by an act approved April 18th, 1911, appropriated the sum of fifteen thousand (\$15,000) dollars for the use of the said Alabama oyster commission; and

Whereas, only a small portion of said appropriation of fifteen thousand (\$15,000) dollars was given to the said Alabama oyster commission; therefore,

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the funds of the State of Alabama, not otherwise appropriated, the sum of four thousand (\$4,000) dollars, or so much thereof as may be necessary, to be used in the payment of the unpaid salaries due the officers and employees of the Alabama oyster commission at the time the said commission was abolished.

Sec. 2. That all officers and employees of the said Alabama oyster commission, whose salaries have not been paid, shall prepare an itemized statement of the amount due such officers and employees by the said Alabama oyster commission, which shall be verified by the affidavit of said officers and employees; that said verified account shall be filed with the secretary of State, who shall inquire into the correctness thereof. If, in the opinion of the secretary of State, said account is correct and unpaid, he shall so certify said fact to the State auditor, who shall

thereupon draw his warrant upon the treasury of Alabama in favor of the said officers or employees for the amount so certified to by the secretary of State, which said warrant shall be paid by the State treasurer, provided no payment shall be made until the claim has been approved and ordered paid by Governor.

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due or should be paid and shall make an award in writing to the Governor as to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained is due or should be paid, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 29, 1915.

No. 683.)

(H. 939—Mr. Lee.

AN ACT

To appropriate the sum of three hundred and twelve and a half dollars (\$312.50) out of the fund of the department of agriculture provided by section 52 of the Code, to pay Annie Catherine Fike for her services as stenographer in the department of agriculture from March 13th to July 31st, 1915.

Be it enacted by the Legislature of Alabama:

1. That there is hereby appropriated out of the fund in the State treasury, for the expenses of the department of agriculture, provided by section 52 of the Code, the sum of three hundred and twelve and a half dollars (\$312.50) to pay the salary of Annie Catherine Fike for her services as stenographer in the department of agriculture, from March 15th to July 31st, 1915.

Sec. 2. Upon the approval of this act, the auditor is hereby authorized and directed to draw his warrant on the State treasury and against the fund aforesaid for the said sum of three hundred twelve dollars and fifty cents, and deliver the same to Annie Catherine Fike, in full satisfaction for her services as stenographer in said bureau during the time mentioned.

Approved Sept. 23, 1915.

No. 684.)

(H. 242—Blackwell.

AN ACT

To appropriate the sum of \$6,849.17 to Marshall and Bruce Company, Nashville, Tenn., contractors for furnishing stationery and stationery supplies to the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of six thousand eight hundred forty-nine and 17/100 (\$6,849.17) dollars is appropriated out of any moneys in the State treasury not otherwise appropriated, to Marshall and Bruce Company, Nashville, Tenn., contractors for furnishing stationery and stationery supplies to the State of Alabama. The said sum being the balance due the said Marshall and Bruce Company for stationery and stationery supplies furnished the State of Alabama.

Sec. 2. That upon the approval of this act by the Governor, the State auditor is directed to draw his warrant on the State treasury for the said sum of six thousand eight hundred forty-nine and 17/100 (\$6,849.17) dollars in favor of said Marshall and Bruce Company. Section—Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the Governor as to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved Sept. 23, 1915.

No. 686.)

(H. 1307—Mr. Welch.

AN ACT

To provide for the election of a deputy circuit clerk in counties having more than three circuit judges to perform the duties of circuit clerk at places of holding circuit court other than the county site, and to provide for his compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That there shall be elected at the general election in 1916 a deputy clerk of the circuit court, in all counties that

alone constitute a circuit in which there are more than three judges and the circuit court therein is held at the county site and at some other place in the county, by the qualified electors in the territory of such county within which the cases arise that are tried at the place of holding the circuit court other than the county site, which said deputy clerk shall at the time of his election and during his term of office reside within the territory in which the cases arising therein are tried at the place of holding such circuit court other than at the county site, and which said deputy clerk shall receive the same compensation, perform the same duties and exercise the same authority, under the supervision of the circuit court, in said circuit court when being held at said place, as if he were the circuit court clerk, and such deputy clerk shall hold office until the next general election at which clerks of the circuit courts in this State are elected and until his successor is elected and qualified, and at the next general election at which said circuit court clerks are elected, there shall be elected a deputy clerk from the same territory and with the same powers and duties, authorities and compensation, and said deputy clerk shall be elected at the general election at which the clerks of the circuit courts of the State are elected each six years thereafter.

Sec. 2. That before entering upon the duties of his office the said deputy clerk herein provided for shall take and subscribe to the same oath of office and enter into the same bond as circuit court clerks of the State and shall be subject to the same liabilities.

Sec. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved Sept. 23, 1915.

No. 688.)

(H. 1629—Walden.

AN ACT

For the relief of the treasurer of the Confederate soldiers home of Alabama.

Be it enacted by the Legislature of the State of Alabama:

That the sum of six hundred six and 75/100 dollars, purchase money for land bought for the benefit of the Confederate soldiers home by order of the board of control of said home, and seven hundred and nineteen and 03/100 dollars expended by order of the executive committee of said home, for fire insurance

and repairs on the property of the home, be paid out of any surplus fund now in the hands of the treasurer of said home.

Section 1. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury no otherwise appropriated.

Approved Sept. 23, 1915.

No. 689.)

(H. 957—Davie.

AN ACT

For the relief of J. E. Shackelford of Green Pond, Bibb county, Alabama, a Confederate veteran.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of one hundred and sixty dollars is appropriated out of the moneys in the State treasury, not otherwise appropriated, to J. E. Shackelford, a Confederate soldier who resides at Green Pond in Bibb county, Alabama, whose name was erroneously stricken from the pension roll of the Confederate veterans during the years of 1911 and 1912.

Sec. 2. That upon approval of this act by the Governor of the State of Alabama, the State auditor of Alabama is directed to draw his warrant on the State treasury for the said sum of one hundred and sixty dollars in favor of said J. E. Shackelford.

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved Sept. 23, 1915.

No. 691.)

(H. 1259—Copeland.

AN ACT

Providing that no manufacturing or other industrial plant or establishment, or any of its appurtenances, or the operation thereof, shall be or become a nuisance, private or public, by changed conditions in and about the locality thereof, after the same has been in operation for more than one year when such plant or establishment or appurtenances or the operation thereof, was not a nuisance at the time the operation thereof begun, and prohibiting and annulling any municipal ordinance to a contrary effect.

Be it enacted by the Legislature of Alabama:

Section 1. That no manufacturing or other industrial plant or establishment, or any of its appurtenances, or the operation thereof, shall be or become a nuisance, private or public, by any changed conditions in and about the locality thereof after the same has been in operation for more than one year, when such plant or establishment or its appurtenances, or the operation thereof, was not a nuisance at the time the operation thereof begun; provided, that the provisions hereof shall not apply whenever a nuisance results from the negligent or improper operation of any such plant, establishment or any of its appurtenances; and provided further that the provisions of this act shall not affect or defeat the right of any person, firm or corporation to recover damages for any injuries or damage sustained by them on account of any pollution of, or change in the condition of, the waters of any stream, or on account of any overflow of the lands of any person, firm or corporation.

2. That any and all ordinances now adopted, are or hereafter adopted, by any municipal corporation in which such plant is located, operating to make the operation of any such plant or establishment, or its appurtenances, a nuisance, or providing for an abatement thereof as a nuisance, in the circumstances set forth in the preceding section are and shall be null and void; provided, that the provisions hereof shall not apply whenever a nuisance results from the negligent or improper operation of any such plant, establishment, or any of its appurtenances. Provided further that section two of this act shall not be construed to invalidate any contracts heretofore made, but in so far as contracts are concerned this act only applies to contracts and agreements to be made in the future.

3. That if any section or provision of this act shall be held to be unconstitutional, or invalid, such construction shall not have the effect to invalidate the other sections or provisions thereof.

Approved Sept. 23, 1915.

No. 693.)

(H. 1509—Carmichael.

AN ACT

To require all libraries, other than private libraries, in this State, to make annual and other reports to the department of archives and history.

Be it enacted by the Legislature of Alabama:

1. That all libraries, other than private libraries, in this State, including all free public or subscription libraries, or libraries maintained by institutions, societies, colleges, institutes or schools, are required to make both regular and special reports to the department of archives and history as may be called for, and in accordance with such regulations as may be prescribed by the department.

Approved September 22, 1915.

No. 695.)

(H. 544—Hubbard.

AN ACT

To regulate and provide for the volunteer military forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this act, and to fix penalties and punishments for violations of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That the active volunteer organized military forces of the State of Alabama shall constitute and be known as the Alabama National Guard and may consist of not more than one division; and the Governor of the State shall be the commander-in-chief thereof except when they shall be called into the service of the United States; but he shall not command personally in the field unless advised to do so by a resolution of the Legislature. The organization, armament and discipline of the Alabama National Guard shall be the same as that which is now or may be hereafter prescribed for the regular and volunteer military forces of the United States. The Governor shall exercise the authority of issuing the lawful orders to organize, equip and discipline the Alabama National Guard so that it may conform as near as practicable to the regulations for the government of the armies of the United States, and such orders when duly made and published shall have force and effect of law. The Governor in his discretion is authorized to organize a naval

militia in accordance with the regulations prescribed therefor by the United States Government and to commission the officers thereof and shall have the same authority there over as over the National Guard.

Sec. 2. The staff of the commander-in-chief shall consist of the following officers to be appointed by him and commissioned as officers in the Alabama National Guard, holding office at his pleasure except as may be otherwise provided: One adjutant general of the State with the rank of brigadier general who shall be the chief of staff and who shall be appointed by the Governor with the advice and consent of the Senate, and who, prior to his appointment, shall have served as much as two years in the Alabama National Guard, or shall have served in the Spanish American War, or in the United States army; and not more than twelve officers with the rank of lieutenant colonel as aids-de-camp, who shall be commissioned with brevet rank only but not as officers in the Alabama National Guard. Provided that nothing in this section shall be construed as creating any vacancy among the officers on the staff of the Governor as now commissioned, and shall not become effective until the second Monday in January, 1919, insofar as the officers on the Governor's staff now commissioned are concerned.

Sec. 3. The adjutant general of the State shall be chief of staff and ex-officio chief of all staff departments. He shall supervise the receipt, preservation, repair, distribution, issue and collection of all arms and military stores of the State. He shall supervise all troops, departments, arms and branches of the Alabama National Guard, such supervisory power covering primarily all duties pertaining to the organization, armament, discipline, training, recruiting, inspecting, instructing, pay, subsistence and supplies: keep a roster of all the officers and men of the Alabama National Guard and keep on file in his office copies of all orders, reports and communications received and issued by him. He shall from time to time cause the laws and orders relating to the Alabama National Guard to be indexed, printed and bound at the expense of the State. He shall distribute to each officer all laws and orders relating to the Alabama National Guard and cause to be prepared and published blank books, forms and stationery and furnish them to the Alabama National Guard at the expense of the State. He shall from time to time prepare and publish by order of the Governor such orders, rules and regulations, consistent with law as are necessary to bring the organization, armament, equipment and discipline of the Alabama National Guard to a state of efficiency

as nearly as possible approaching that of the United States army, and such other orders as may be necessary. He shall also prepare such reports and returns as the secretary of war may prescribe and require, and the auditor shall draw warrant on the treasurer for all expenses incurred under this section on bills regularly presented to and approved by the Governor. He shall also perform such other duties as may be required of him by the commander-in-chief. He shall receive a salary of two thousand dollars (\$2,000.00) per annum. He shall have as his assistant one major of the adjutant general's department who shall be chief clerk and assistant to the adjutant general, and who, in the absence of the adjutant general, shall perform all the duties of his office and such other duties as the adjutant general may require. He shall see that all arms and military stores of the State are received, collected, preserved, repaired, issued and distributed to the Alabama National Guard at the expense of the State, and the auditor shall draw warrant on the treasurer for all expenses incurred under this section on all bills regularly presented to and approved by the Governor. He shall receive a salary of eighteen hundred dollars (\$1,800.00) per annum. He may also have as assistants to aid him in the discharge of his duties one assistant at a salary not exceeding one thousand and eighty dollars (\$1,080.00) per annum, and one at a salary not exceeding nine hundred dollars (\$900.00) per annum, who shall be members of the Alabama National Guard, and shall perform the duties of property clerk and military store keeper, and such other duties as the adjutant general may require. All of whom shall be appointed by the adjutant general subject to the approval of the Governor. The adjutant general may employ one stenographer for his department who shall perform such duties as the adjutant general may require, who shall receive a salary of not exceeding nine hundred dollars (\$900.00) per annum. All salaries herein provided for shall be paid monthly in the same manner as the salaries of the other State officers are paid.

Sec. 4. The adjutant general and the assistant adjutant general on duty in the adjutant general's office shall give bond as is now prescribed by law, and his assistants shall each give bond in a surety company in the amount of two thousand dollars (\$2,000.00), the bonds to be approved by the Governor and the premiums thereon to be paid by the State, the conditions of such bonds to be the same and as provided in section 8 of this act.

Sec. 5. The adjutant general must, ten days before each session of the Legislature, report to the Governor the number and the condition of the Alabama National Guard and the number and condition of the public arms and accouterments of the State. He shall also make such recommendation as to needed legislation and for proper discipline and government of the Guard as he may deem proper.

Sec. 6. The Governor of the State shall assign to the adjutant general a suitable room or rooms in the capitol building for conducting therein the business of the adjutant general's department of the State and this department shall be furnished with the necessary furniture, stationery, postage, lights, telegraph and telephone service and other proper and necessary expenses, conveniences and clerical assistance in the same manner and way as is furnished to the other State departments.

Sec. 7. The Governor shall appoint an officer of the Alabama National Guard as disbursing officer of Federal funds, who shall perform such duties and give such bonds as may be required and the premium on said bonds shall be paid by the State. He may also appoint a disbursing officer of State military funds, who shall receive and distribute such funds as are authorized by law, and perform such other duties as the adjutant general may require. The State disbursing officer shall give bond in the amount of five thousand dollars (\$5,000.00), the bond to be approved by the Governor and the premium thereon to be paid by the State. The conditions of such bond to be the same and as provided under section 8 of this act. He shall receive an annual salary of not exceeding seven hundred and eighty dollars (\$780.00) to be paid in monthly installments from the special military appropriation upon approval of the Governor.

Sec. 8. Any officers to whom any public military property is issued at any time or to whom any public money is paid or who disburses any such funds must be required to give bond in a surety company conditioned faithfully to perform the duties of his office, to use all necessary care in the safekeeping of military stores and property committed to his custody; to account for the same and deliver to his successor or to any other person authorized to receive the same, all such military property, and to properly account for all public money received by him and for all money distributed; the bonds to be approved by the adjutant general and the premiums thereon to be paid by the State.

Sec. 9. The books, accounts and vouchers of the adjutant general and all officers of the Alabama National Guard handling State and government monies and property shall be audited upon the direction of the Governor, in the same manner as the accounts of other State officers are audited.

Sec. 10. The troops ordered into service as prescribed in this act for the enforcement of the law for the preservation of the peace or for the security of the rights or the lives of citizens or the preservation or protection of property shall be deemed to be in active service. Officers employed under orders of the Governor in making tours of instruction, inspection of troops, armories, storehouses, camp sites, rifle ranges and military property, sitting on general or regimental courts-martial, boards of examination, courts of inquiry or boards of officers, shall be deemed to be in active service when it is so specified in said orders; orders in every case shall specify if pay and travel are allowed and the expenses allowed.

Sec. 11. Officers and enlisted men, when employed in the active service of the State, as defined and as provided in this act, beginning with the day they assemble at their armories or other designated places until the day they have returned thereto and been properly relieved inclusive, fractional parts of a day counting a full day; a day beginning immediately after midnight and ending the following midnight; shall receive pay and allowance at the following daily rates: Officers, major general, \$12.00; brigadier general, \$10.00; colonel, \$8.00; lieutenant colonel, \$7.00; major, \$6.00; captain, \$5.00; first lieutenant, \$4.50; second lieutenant, \$4.00; and in addition the cost of hire or rental of quarters and the cost of hire of one horse and one forage ration when required to be mounted when not furnished by the State; enlisted men, chief musician, \$3.00; regimental sergeant-major, regimental quartermaster-sergeant, regimental commissary sergeant, first sergeant, principal musician, \$2.50; battalion sergeant-major, color-sergeant and drum-major, \$2.25; company quartermaster, sergeants and cooks, \$2.00; corporal and artificer, \$1.75; musicians and privates, \$1.50. Each enlisted man shall be entitled to one ration per day or commutation of same at actual cost of subsistence not exceeding 75 cents per day. The pay and allowances authorized by this section shall be paid out of the treasury on warrant of the auditor on organization pay rolls or vouchers for individuals as may be required, accompanied by copies of the orders authorizing service. Before payment pay rolls and vouchers shall be certified by the adjutant general and approved by the Governor.

Sec. 12. Officers and enlisted men employed in the adjutant general's office or in the military service and who receive a salary from the State for such service shall not be entitled to additional pay from the State for active service or active duty, but shall be entitled to actual cost of subsistence, quarters and proper expenses when serving under orders of the Governor beyond the limits of the city of Montgomery.

Sec. 13. The provisions of the preceding section shall not prohibit an officer or enlisted man from receiving pay from the United States for participation in maneuvers, camps, field service or other service or duty.

Sec. 14. Troops engaged in drill at their home stations or participating in any camps of instruction, camps or rifle practice, practice marches, parades, reviews, or other public exercises or engaged in escort duty or in other duties not hereinbefore specified, shall be deemed to be on active duty and no expenses that may arise through such active duty shall be made a charge against the general fund of the State.

Sec. 15. The Governor may authorize all or any part of the Alabama National Guard to participate in any parade, review, or other public exercise, or to serve for escort duty, and such expenses incidental thereto as he may authorize may be paid from the special military appropriation, and shall not be made a charge against the general fund of the State.

Sec. 16. The several staff officers shall perform the same duties as nearly as the circumstances of the case will permit as are performed by like staff officers of the United States army, and any and all such duties as may be required of them by the commander-in-chief. It shall be the duty of the adjutant general to visit and inspect each company, troop, battery or other organization at least once each year and to report to the commander-in-chief on the condition of the arms and equipment and personnel of said organizations, and make such recommendations as he thinks proper in regard thereto. Each commanding officer, unless excused by the Governor, must make or cause to be made an inspection of each unit of his command at least once a year and make reports through military channels of their conditions and needs to the Governor.

Sec. 17. The field officers of each organization shall be elected by the field and line officers of such organizations by ballot or in such manner as may be determined upon by the Governor in his discretion, whose terms of office shall be continuous and such officers shall not be removed except for cause due to mental or physical disabilities, or for conduct unbecom-

ing an officer, or gentleman, or for drunkenness, inefficiency, or neglect of duty. It shall be the duty of the adjutant general to report to the commander-in-chief from time to time as he may deem proper the condition, standing, demeanor and fitness of the officers hereinabove designated in this section and in the following section, and when from such report it becomes apparent to the commander-in-chief that any officer with the grade and rank designated in this or the following section, is for any cause unfit for service, it shall become his duty to appoint a board composed of three officers, one of such number to be a member of the medical corps to pass upon the mental and physical condition of such officer or officers, and it shall be the duty of such board to pass upon the conduct, standing and fitness of such officer or officers and to report their finding to the commander-in-chief with recommendations. Where said board recommends the removal of any officer, the commander-in-chief shall forthwith issue an order removing such officer from further service and revoke his commission unless it shall appear to the Governor that his retention would be for the good of the service. Whenever any vacancy shall occur from any cause in any field office, orders for an election to fill such vacancy shall be issued within thirty days after such vacancy occurs, and such election shall be held within sixty days after the issuing of said order. Each commanding officer shall with the approval of the Governor, appoint his staff officers, to be selected from members of his command, except that appointments made by the Governor shall not be limited to members of any organization. All commissioned staff officers shall be commissioned as in the case of other commissioned officers upon certificate of appointment by the commanding officer making said appointment, and shall hold office during the term of office of the officer making the appointment or at the pleasure of such officer. Provided, however, that any officer of the Alabama National Guard who has been retired according to law shall be eligible to appointment as a staff officer of a grade not higher than the grade in which such officer was retired. Provided further that any former or volunteer officer of the United States army shall be eligible to staff appointment.

Sec. 18. The line officers of each company, troop or battery shall be elected by the enlisted men thereof and whose term of office shall be the same and under like conditions as that of the field officers as provided for in section 17 of this act and who may be removed in a like manner for like cause. The noncommissioned officers of each company, troop, battery,

hospital corps detachment, field hospital, ambulance company or band shall be appointed by the regimental or separate battalion commander by the recommendation of the company, troop, battery, hospital corps detachment, field hospital, ambulance company or band commander, and shall hold office at the pleasure of such commander.

Sec. 19. That upon the application of sixty-one or more men liable for military duty, addressed to the adjutant general, setting forth the residence of the petitioners and that they desire to form a company, troop or battery, the Governor may, in his discretion, order an officer of the Alabama National Guard to organize a company, troop or battery, and said officer must superintend an election by ballot at a time selected by such officer. The officer selected to command such company, troop or battery must forthwith appoint from his enlisted men non-commissioned officers as provided for like organizations. All non-commissioned officers shall receive a certificate or warrant of their grade signed by the commanding officer and countersigned by the commanding officer of the regiment or separate battalion.

Sec. 20. After a company, troop or battery is duly organized, it must be assigned to duty as an organization of the Alabama National Guard and the officers commissioned, and the adjutant general shall, from the undistributed arms and equipment of the State, issue to the commanding officer of the organization, at the expense of the State, upon his giving satisfactory bond in a surety company for the safe custody, care and return thereof, suitable arms and equipment, and may prescribe by general or special orders rules for the use and preservation thereof.

Sec. 21. In commutation of the expense which each organization of the Alabama National Guard bears in providing drill room and a safe place for the keeping of arms and ammunition and in defraying the expenses necessary and incident to the upkeep of the organization, there shall be allowed to the commanding officer of each company, troop, battery, hospital corps detachment, and field hospital per annum the following amount: To each company, troop, battery, hospital corps detachment, and field hospital \$240.00 and to the commanding officer of each band the sum of \$300.00 per annum, each to be paid quarterly, provided that each company, troop or battery to be entitled to draw said above named allowance shall have in attendance at least twenty-five uniformed privates and non-commissioned officers present at each muster (or such other number

as the Governor may designate) ; and shall also, bands, hospital corps detachments and field hospitals inclusive, keep in such state of efficiency as the Governor may deem necessary, to constitute an active military organization. There shall also be allowed for the expense of the headquarters of the brigadier general commanding \$50.00 per annum; to each regimental commander \$150.00 per annum; to each squadron or separate battalion commander, \$50.00 per annum, payable quarterly. To secure such allowance for any quarter, the commanding officer must make affidavit before any person authorized to administer oath, that his organization, during time for which the allowance is claimed, was an active and efficient military organization. Such claims, so verified, shall be forwarded to the adjutant general. If after due consideration of the claim he shall be satisfied that it is just, the Governor shall approve the claim and direct the auditor to draw his warrant for such amount in favor of the commanding officer aforesaid. A report must be made once each quarter to the Governor with the quarterly application as to how such money was expended, verified by vouchers showing evidence of payment of said money. Should the Governor disapprove of any expenditure made therein, it shall be deducted from the next quarterly payment.

Sec. 22. The county commissioners, board of revenue or other governing body in each county are hereby authorized and empowered, in their discretion, to appropriate a sufficient sum not otherwise appropriated, to pay the necessary expenses of each company, troop, battery, hospital corps detachment, field hospital and band of the Alabama National Guard located in their respective counties, to be accounted for to the Governor in the same manner as previous funds.

Sec. 23. The commanding officer of all organizations must order at least two drills or practice marches per month, to be known as musters, and the officers and members failing without good excuse to attend such musters shall be subject to a fine in the discretion of a court martial not exceeding ten dollars.

Sec. 24. The commanding officer of a regiment, squadron or separate battalion, or the senior officer of the line present, when two or more companies, troops or batteries are stationed at the same place, may, not more than once each month, order a squadron or battalion drill, parade, practice march, field exercise or inspection, and any officer or man of the Alabama National Guard failing without good excuse to obey such order shall be fined in the discretion of a court martial not to exceed

twenty dollars, and in addition thereto may be dishonorably discharged and dismissed from the service of the State.

Sec. 25. No military organization shall go out of the county in which it is stationed except by permission of the Governor; nor shall any military organization go out of the State except by permission of the Governor.

Sec. 26. The commanding officer of a regiment, squadron or separate battalion may organize a band of musicians to be under his direction and command, who shall be subject to all rules and regulations and laws for the government of the Alabama National Guard, and they shall be mustered in as prescribed by this act for enlisted men, and shall be counted in the aggregate force. Each commanding officer may, in his discretion, disband such band and revoke the warrant of the band leader, on approval of the Governor. Each band, when duly organized, shall be entitled to receive in the same manner as companies three hundred dollars annually and payable quarterly, provided that no band will be entitled to such allowance unless it shall consist of not less than twenty-one equipped and enlisted musicians and shall make and certify to two monthly musters with an attendance of not less than fifty per cent of its minimum strength.

Sec. 27. That no officer or enlisted man shall be entitled to vote at any election for commissioned officers of the Alabama National Guard who has been absent from the four consecutive musters, next preceding said election, of the organization of which he may be a member, or to which he may have been detailed or assigned for duty by the Governor; provided that nothing in this section shall apply to field officers voting.

Sec. 28. Upon the resignation, death or removal of any field officer or any vacancy occurring by reason of death, removal or resignation, or other cause, the Governor shall order an election to fill such vacancy, and the election shall be held under such rules and regulations as may be prescribed by the Governor not inconsistent with the provisions of this act, of which election at least fifteen days' notice must be given to the commanding officers of such organizations in which election is to be held. A majority of the votes cast shall be necessary to elect in any election held under this section, and in the event there is a tie vote for any two officers, the adjutant general shall cast the deciding vote for such officer. All such elections must be held and returns thereof made within sixty days after the date of the Governor's order for their holding.

Sec. 29. Whenever there shall occur a vacancy in the officers of the line by reason of death, resignation or removal or any other cause, the Governor shall order such organization to elect such officer under such rules and regulations as may be prescribed by the Governor not inconsistent with the provisions of this act, and must give at least ten days' notice of such election by orders published at the armory of said company, troop or battery where said election is to take place. The prevent fraud or confusion a time must be fixed when ballots will be received or counted after that hour. All such elections must be held and returns thereof made within thirty days after the date of the Governor's order for their holding. A majority of the votes cast shall be necessary to elect in any election held under this section.

Sec. 30. A certificate must be forwarded to the adjutant general of the State in the form, time and manner prescribed by orders, stating that such elections as are required by this Act were held in accordance with the order received, and the result thereof, and such certificate must be sworn to by the officer holding such election.

Sec. 31. Upon being commissioned, officers shall provide themselves with proper uniform, arms and equipment as prescribed by regulations, and shall maintain same in a state of serviceable efficiency during their term of office.

Sec. 32. The uniform or insignia of rank prescribed for the officers of the Alabama National Guard shall be worn only by persons entitled thereto by commission under the laws of the State or of the United States or of any other state of the United States. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars.

Sec. 33. Any enlisted man may be transferred at his own request upon the approval of his commanding officer to any other company, troop, battery, hospital corps detachment, field hospital or band upon the approval of the commanding officer of such organization and upon the approval of the adjutant general.

Sec. 34. Before becoming a member of the Alabama National Guard, every applicant must stand a physical examination as set out in blanks furnished by the adjutant general for that purpose, said examination shall be made by a commissioned officer of the medical corps or by a regular practicing physician. A fee of twenty-five cents may be allowed for the examination of each applicant, payable from the general fund of the State

and the auditor shall draw his warrant on the treasurer for such fees on bills regularly presented to and approved by the Governor.

Sec. 35. The term for enlistment in the Alabama National Guard shall be for a term of three years, and after standing the prescribed physical examination as set out in blanks furnished by the adjutant general for the purpose and if accepted the following oath must be administered by an officer of any company, troop, battery, hospital corps detachment, field hospital, band or other organization: "I do solemnly swear that I will support the Constitution of the United States and of the State of Alabama and obey all lawful orders of my superior officers while I remain a member of the Alabama National Guard." The said oath must be filed in the office of the adjutant general.

Sec. 36. Any company, troop, battery, hospital corps detachment, field hospital or band of the Alabama National Guard may be disbanded in the discretion of the commander-in-chief upon a petition signed by a majority of the members of such organization, approved by the regimental squadron or separate battalion commander, or where the adjutant general or the commanding officer of any regiment, squadron or separate battalion reports that such company, troop, battery, hospital corps detachment, field hospital or band is inefficient and ought to be disbanded for the good of the service, or whenever a board of officers who shall be appointed by the Governor and consist of not less than three from such regiment, squadron or separate battalion shall report that it would be for the good of the service to disband such organization. The disbanding of any organization shall vacate and revoke the commissions of all officers thereof.

Sec. 37. The uniform of officers and enlisted men shall conform in style and material to that of the United States army, excepting as follows: The collar ornaments of the uniform shall be the letters ALA. instead of U. S.

Sec. 38. The Governor shall, whenever necessary designate a depository or depositories for the undistributed military property of the State, which depository or depositories shall be maintained at the expense of the State.

Sec. 39. All officers shall be commissioned by the commander-in-chief, and no person shall be commissioned in the Alabama National Guard who is not a citizen of this State. The Governor may, in his discretion, before a commission is issued, order an applicant for a commission up for examination before an examining board who shall be appointed by the

Governor to consist of not less than three members, one of whom shall be a surgeon, who shall have the same power to compel the attendance of witnesses, administer oaths and take testimony as is possessed by general courts martial touching the applicant's mental, moral and physical fitness, capacity, ability, general qualifications and knowledge of military laws and affairs, proportionate to the requirements of the office for which he has been selected. If such examining board shall report adversely to such applicant, he shall not be commissioned an officer. All persons who are graduates of educational institutions in this State where military instruction is required and given and who are recommended to the Governor by the president of such institution as showing special aptitude for military service may be eligible for commission without mental examination as second lieutenant in the Alabama National Guard.

Sec. 40. The commander-in-chief may convene examining boards to determine the fitness of officers for promotion and also whenever to him it appears advisable, or upon request of any superior commanding officer, may order any officer before a board of examination as to his fitness for military service. If the report of such board is adverse to such officer, the Governor may declare his commission vacated and revoked. If any officer so ordered before a board shall neglect or refuse to appear, the commander-in-chief may, upon report to him, of such refusal or neglect, vacate and revoke the commission of the officer. The report of such examining board must be reported through military channels to the commander-in-chief.

Sec. 41. Any non-commissioned officer may be reduced to the ranks by his regimental squadron or separate battalion commander upon the recommendation of his immediate commanding officer. The report of such reduction and the reason therefor must be forwarded through military channels to the adjutant general.

Sec. 42. Any officer or enlisted man who cannot, after due diligence, be found, or who shall remove his residence from the State, or to such distance from the armory of his organization as to render it impracticable for him to perform military duty, or who shall be convicted of a felony, may be discharged by the commander-in-chief in his discretion, upon the request of his commanding officer. Discharges otherwise must and can only be made by the Governor upon the application of the member desiring to be discharged approved by the commanding officer of his organization, forwarded through military channels to the Governor for final approval, or as otherwise provided in this act.

Sec. 43. A military offense within the meaning of this act, includes any delinquency or violation of the laws, rules or regulations, governing the militia or National Guard of this State as well as the laws or regulations governing the army, navy or marine corps of the United States, as far as applicable to the militia or national guard of this State. The offenses hereinafter enumerated shall be defined as similar offenses are in the articles of war, laws and regulations governing the United States army.

Sec. 44. Commissioned officers may be tried by court martial for the following offenses, and on conviction thereof may be sentenced to be dismissed and shall thereby be incapacitated from holding any military commission: fined to an amount not exceeding one hundred dollars and cost of prosecution or reprimand or to all or either of said fines and penalties. First: Conduct unbecoming an officer and a gentleman. Second: Drunkenness on duty. Third: Neglect of duty or leaving his post or command. Fourth: Disobedience of orders. Fifth: Oppression or persecution of any under his command. Sixth: Conspiracy or attempt to evade lawful orders or advising any person to do so. Seventh: Insult or disrespect to a superior officer in the line of military duty. Eighth: Making a false certificate, account, muster or return. Ninth: Conduct to the prejudice of good order and military discipline. Tenth: Embezzlement or misappropriation of military organization, State or government property or funds or the willful conversion of military organization, State or government property. Eleventh: Willfully disclosing or making improper use of a watch word or parole. Twelfth: Cowardice or desertion. Thirteenth: Wasting or destroying either intentionally or through negligence military organization, State or government property. Fourteenth: Any other violation of the laws, rules or regulations or orders governing the Alabama National Guard as well as the articles of war governing the United States army as far as is consistent with this act.

Sec. 45. Officers may be tried by a court martial and fined not exceeding the sum of ten dollars and cost of prosecution for non-attendance or tardiness at any drill, parade, each day of encampment, inspection or any other military duty ordered by the proper authorities. Failure to pay such fine shall forfeit their commission in the discretion of the Governor.

Sec. 46. Enlisted men may be tried by court martial for the following offenses: First: Wilful disobedience of orders. Second: Disrespect to superiors. Third: Mutiny. Fourth:

Desertion. Fifth: Drunkenness on duty. Sixth: Making false report or certificate. Seventh: Fraudulent enlistment. Eighth: Conduct prejudicial to good order and military discipline. Ninth: Violation of any provision of the military Code or rule or regulation of the Alabama National Guard. On conviction such enlisted man may be sentenced to be dishonorably discharged with loss of time served, reduction to rank in case of non-commissioned officers, or fined to an amount not exceeding fifty dollars and the cost of prosecution, or to any or all of said fines and penalties. Failure to pay such fine shall subject the accused to dishonorable discharge in the discretion of the Governor.

Sec. 47. Enlisted men may be tried by court martial or summary court for the following offenses: First: Absence without leave or tardiness of any drill, parade, encampment, meeting for instruction or other military duty ordered by competent authority. Second: Disobedience of orders. Third: Neglect of duty. Fourth: Absence from instruction. Fifth: Injuring or destroying uniforms, arms, equipment, or other company, state or government property. Sixth: Wearing the same when not on duty without permission of the commanding officer. Seventh: Conduct unbecoming a soldier or prejudicial to good order or military discipline. Eighth: Disrespect to superiors. On conviction any enlisted man may be sentenced to be dishonorably discharged, reprimanded, reduced to ranks or fined not exceeding twenty dollars and cost of prosecution, or to any or all of said fines or penalties. Failure to pay such fine shall forfeit membership and subject him to be dishonorably discharged in the discretion of the Governor. When any enlisted man has been tried by a court martial and found guilty of any offense enumerated in this act, the court may, in its discretion, in addition to any other punishment prescribed by this act also order that he be confined in the county jail for a period not exceeding thirty days. If an article of public property be lost or damaged by the neglect of any officer or enlisted man, he shall pay the value thereof or the cost of repairs at such rates as may be determined by a survey of the property. The proper officer shall be authorized to enter on the pay roll the stoppage against the pay of any enlisted man who loses or damages any public property. The amount of said stoppage not exceeding the value of said lost property or the cost of repairs at such rates as may be determined by a survey of the said property, and he shall be informed at the time of signing the pay roll that his signature will be regarded as an acknowledgment of the justice of the charge.

Sec. 48. The military courts of this State shall be: First: Court of inquiry. Second: General court martial. Third: Regimental court martial. Fourth: Summary court. Courts of inquiry to consist of from one to three officers, may be instituted by the commander-in-chief for the purpose of investigating the conduct of any officer or any facts made the subject of military complaint. Such courts of inquiry shall, without delay, report a statement of facts and when required the evidence adduced and opinion thereon to the commander-in-chief, who may, in his discretion, thereupon order a court martial for the trial of the officer or officers whose conduct has been inquired into. General courts martial shall be ordered by the commander-in-chief, and shall consist of not less than five nor more than fifteen officers and a judge advocate, but at all times the court should be of a grade at least equal to that of the accused, if practicable. Such courts shall have jurisdiction in all cases arising under the military laws, rules, regulations or orders in force in this State, and may inflict any punishment authorized by the provisions of this act. Regimental courts martial to consist of three officers, any two of whom shall constitute a quorum, and a judge advocate, shall be appointed by the commanding officer of the regiment, squadron or separate battalion, upon the approval of the Governor, for the trial of officers or enlisted men of his command. The jurisdiction of a regimental court martial shall extend to all military offenses, but it shall not inflict a punishment exceeding a fine of fifty dollars besides the cost of prosecution and dishonorable discharge or loss of time served or thirty days in jail; all or either of which or any part thereof, the court may impose in its discretion. Summary courts to consist of one officer for the trial of enlisted men are hereby established. Their jurisdiction shall extend to all offenses cognizable before regimental courts martial, and they shall have power to inflict punishment not exceeding a fine of ten dollars and cost of prosecution or dishonorable discharge or loss of time served or five days in jail, or any or all of the above penalties or punishments at the discretion of the court. Each officer second in rank and present for duty in any military organization shall constitute a summary court. All laws, rules and regulations of the United States army relating to courts martial and the trial and punishment of military offenses shall apply to and in all things govern the militia and National Guard of this State when in active service in time of war, insurrection, riot or public danger, and otherwise they shall be enforced as far as is consistent with this act. The proceeds of all

fines shall be paid to the commanding officer of the military organization of which the accused is a member, and if the accused is a regimental officer or non-commissioned officer, to the commanding officer of such regiment for the benefit of the military fund of such organization.

Sec. 49. No findings of any court martial or summary court shall be executed until approved by the commander-in-chief, and whenever the findings of the court martial or summary court are so approved the commander-in-chief shall cause the proper orders to be issued to the sheriff of the proper county to carry the findings of the court into effect, and such courts martial and summary court shall have authority to issue writs of arrest directed to the sheriff of any county to arrest and bring before such court any member of the National Guard against whom charges are pending in said court.

Sec. 50. All expenses incurred in court martial proceedings including the payment of one stenographer, sheriff's fees for service of complaints, warrants, summonses and subpoenas, and witnesses shall be allowed the same fees as in criminal cases and the same shall be paid together with officers and judge advocate of the court by warrant on the auditor upon approval of the Governor. The proceedings of all courts martial shall be in accordance with the United States army regulations or customs of the service prevailing in the United States armies. Courts martial may subpoena any witness residing within one hundred miles of the place where the court is sitting to appear and testify before it, and the sheriff on receiving any subpoena issued by direction of a court martial and signed by the judge advocate thereof or by the officer holding a summary court shall make service and return of service as provided by law in criminal cases.

Sec. 51. The employment of a stenographic reporter may be authorized by the convening authorities for all general or regimental courts martial. When a reporter is employed, he shall be paid on the certificate of the judge advocate upon approval of the Governor from the general funds, such sum, not exceeding one dollar per hour for the time occupied in court by himself or a competent assistant and ten cents per hundred words for transcribing the notes and five cents per hundred words for copying exhibits and two cents per hundred words for the carbon copy as may be approved by the Governor.

Sec. 52. Any officer or enlisted man of the Alabama National Guard, or of the United States army detailed for duty with the Alabama National Guard, traveling in obedience to the

orders of the Governor on military business shall be paid all actual necessary expenses incurred in the performance of such duty, and the Governor shall prescribe rules and regulations for the presentation, verification and payment of all expenses authorized by this act, and upon his direction in writing to the State auditor, he shall draw his warrant in favor of such person for the amount due him as approved by the Governor.

Sec. 53. The surgeon of the brigade and of each regiment, squadron or battalion, may purchase with the approval of the commander-in-chief, at the expense of the State, which must be approved prior to said purchase, all necessary medicines, bandages, surgical instruments, etc., that may be necessary for the proper taking care of the troops while in actual service and for the expenses so incurred each surgeon shall file his claim with the adjutant general within three weeks of the accrual of such expenses, and the State auditor shall at once draw a warrant on the treasurer for the payment of same.

Sec. 54. Every officer or enlisted man of the Alabama National Guard is exempt from poll tax, road duty, street tax and jury duty during his active membership, any local or special laws to the contrary notwithstanding. The commanding officer of each company, troop, battery, hospital corps detachment, field hospital or band shall furnish each member of his command with a certificate of membership as may be prescribed by the adjutant general, signed by such commanding officer, which shall be accepted as proof of exemption as provided by this section by any court. Such certificate shall be revoked whenever the holder is absent from four consecutive drills or parades without satisfactory excuse, and which shall be good only for the calendar month of which it bears date. The commanding officer of a regiment, squadron or separate battalion shall furnish a similar certificate to each member of his staff and non-commissioned staff.

Sec. 55. The commanding officer of troops in camp or in other active service may establish a guard house. In such guard house he may incarcerate any member of his command and any civilian guilty of drunkenness, breach of peace or disorderly conduct in camp or within one-eighth of a mile of the camp or station of such troops. The commanding officer may cause the removal from the camp or station and the grounds within one-eighth of a mile thereof of any drunk, disorderly or disreputable person. If such person returns within the above limits without the permission of the commanding officer, or if he resists re-

moval he may be confined in the guard house until he may be turned over to a civil officer.

Sec. 56. The commanding officer shall prevent the sale or giving away of any spirituous, vinous or malt liquors within the camp or station or within one-eighth of a mile thereof. He may use any part of his command for the proper police of his camp for the enforcement of order and discipline.

Sec. 57. When any part of the Alabama National Guard is in active service by order of the Governor or other civil magistrate to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the selling, bartering, lending or giving away of any of said articles so long as any of the troops remain on duty in the city, town or village or vicinity where such place may be located, whether any civil officer has forbidden the same or not, and the commanding officer of such troops may continue the prohibition in force until the departure of the troops, although the sheriff, mayor or intendent of the county, city, town, or village may have prescribed an earlier or different date at which such selling, bartering, lending or giving away shall be carried on.

Sec. 58. The Governor may annually order into service the whole or any portion of the Alabama National Guard as he may deem proper for the purpose of perfecting them in military discipline and drill, the period of such service to be fixed by the Governor. When so ordered into the service the State shall furnish rations for the officers and men the same as the rations furnished the regular army and pay such expenses of said encampment as the Governor may deem proper, including the traveling expenses of officers and men incurred in obeying such orders. All saving in such rations shall go into the regimental, squadron or separate battalion fund.

Sec. 59. Whenever any part of the Alabama National Guard is called into active service of the State for any purpose whatever, the commanding officer may force the attendance of officers and men, and any officer failing to report when ordered or any enlisted man failing to report without satisfactory excuse to be judged by a court martial shall be deemed and treated as a deserter and arrested and delivered to the commanding officer at the expense of the State.

Sec. 60. Whenever any portion of the Alabama National Guard is ordered into the active service of the State for any purpose whatever, officers and men so ordered shall, during

such time, be governed by the articles of war, the rules and regulations of the United States army then in force, so far as it is consistent with the Constitution of this State.

Sec. 61. Any company ordered into camp for the purpose of perfecting it in military drill or discipline and failing to attend such camp or attending with less than forty members, shall, unless excused by the commanding officer of the regiment, squadron or separate battalion, with the approval of the Governor, forfeit all rights to any quarterly allowance for the rest of the year including such as may then be due and unpaid, and any company, troop, battery, hospital corps detachment, field hospital or band, failing without satisfactory excuse to be judged by the Governor to attend two consecutive encampments, shall be disbanded.

Sec. 62. When the organized military forces of the State shall consist of as much as a division, they shall be so organized, and the major general commanding the same, together with such other general officers thereof as may be in accordance with the regulations of the United States army, shall be appointed by the Governor from the officers of the Alabama National Guard with the advice and consent of the Senate, and such general officers shall have and exercise the rights, powers, duties and authorities of similar officers of the United States armies, so far as is consistent with the laws of this State. When the organized military forces of the State shall consist of as much as a brigade, they shall be so organized, and a brigadier general shall be appointed by the Governor from the officers of the Alabama National Guard, with the advice and consent of the Senate, to command same, and such general officer shall have and exercise the rights, powers, duties and authority of officers of like grade and rank in the United States army, so far as is consistent with the laws of this State. The term of office of said general officers shall be four years. Vacancies in said offices caused by death, resignation or removal while the Senate is not in session, shall be filled by appointments by the Governor. Such general officers shall, with the approval of the Governor, appoint their staff which shall be as provided for like organizations in the United States army and which shall be appointed or detailed in like manner.

Sec. 63. The necessary expense for books, blanks, stationery, clerical assistance and the traveling expenses of the brigadier general and members of his staff, when authorized and approved by the Governor, shall be paid upon warrants of the State auditor and upon itemized accounts certified to by the brigadier general and his staff.

Sec. 64. Every person other than an officer or enlisted man of this State or of any other State or of the United States army, navy, marine corps, or revenue service, who wears the uniform of the United States army, navy, marine corps or revenue service or National Guard or any part of such uniform or a uniform or part of a uniform similar thereto or in imitation thereof within the bounds of the State of Alabama, is guilty of a misdemeanor, and if found guilty of such offense shall be punished by a fine of not less than five dollars and not more than two hundred and fifty dollars, or by imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment; provided, that nothing in this act shall be construed as prohibiting persons of the theatrical profession from wearing such uniform in any playhouse or theatre while actually engaged in such profession, and provided that nothing in this act shall prohibit the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; provided further, that whenever the National Guard or a part thereof is in actual service, no civic organization or member thereof shall parade or appear in uniform in the locality where said National Guard is in service; and provided further, that this section shall not apply to cadets or any military school or to the Boy Scouts.

Sec. 65. The clothes, arms, military outfit and accouterments furnished by or through the State to any member of the militia shall not be sold, bartered, loaned, exchanged, pledged or given away, and no person not a member of the military forces of this State or the United States, or duly authorized agent of this State or the United States who has possession of such clothes, arms, military outfits or accouterments so furnished and which have been the subject of any such unlawful disposition, shall have any right, title or interest therein, but the same shall be seized and taken wherever found by any civil or military officer of the State and shall thereupon be delivered to any commanding officer or other officer authorized to receive the same, who shall make an immediate report to the adjutant general. The possession of any such clothes, arms, military outfits or accouterments by any person not a member of the military forces of this State or any other State or of the United States shall be presumptive evidence of such sale, barter, loan, exchange, pledge or gift.

Sec. 66. Any person who shall sell, or offer for sale, barter or exchange, pledge, loan or give away, secrete or retain after demand made by civil or military officers of the State, any clothes, arms, military outfits or accouterments furnished by or

through the State to any member of the Alabama National Guard, or who shall receive by purchase, barter, exchange, pledge, loan or gift, any such clothes, arms, military outfits or accouterments, shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not exceeding one hundred dollars or by imprisonment not exceeding six months, one or both at the discretion of the court.

Sec. 67. That any proprietor, manager or employee of any theater or any other public place of entertainment or amusement within this State who shall discriminate against any person lawfully wearing the uniform of the United States or the Alabama National Guard because of that uniform, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed fifty dollars.

Sec. 68. Whenever any officer or enlisted man has served ten years in the aggregate in the Alabama National Guard, he may, upon application to the Governor, be retired from active service and placed on the retired list without pay or allowance. When any officer has reached the age of sixty-two, he may, at the discretion of the Governor, be so retired and placed on the retired list. When any officer reaches the age of sixty-four he shall be retired and placed on the retired list. Officers and enlisted men of the retired list may wear, on appropriate occasions, the uniform prescribed for the highest grade attained by them during their active service, the uniform to be without corps, department, regimental or company designation. Any officer or enlisted man who has heretofore been honorably discharged after ten years' service may be placed upon the retired list upon his own application.

Section 69. If any part or provision of any section of this act shall be declared unconstitutional, said unconstitutionality shall not affect or destroy any other part, or provision or any other section of this act.

Sec. 70. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved September 23, 1915.

No. 696.)

AN ACT

(H. 770—Hudson.)

To appropriate the sum of seven thousand four hundred and fifty-six and seven one-hundredths (\$7,456.07) dollars to pay for the transportation of troops of the Alabama National Guard heretofore transported by railroad common carriers on the request or order of the Governor or adjutant general.

Section 1. *Be it enacted by the Legislature of Alabama.* That there is appropriated the sum of seven thousand four hundred and fifty-six and seven one-hundredths (\$7,456.07) dollars for the purpose of paying the accounts of railroad common carriers for transportation of troops of the Alabama National Guard heretofore transported by such carriers on the order or request of the Governor or Adjutant General.

Sec. 2. That upon presentation to the State auditor by the agent of a railroad common carrier of its bill or account approved, in writing, by the adjutant general for the transportation of troops of the Alabama National Guard heretofore transported upon the order or request of the Governor or Adjutant General, the auditor shall draw his warrant on the treasurer in favor of such carrier for the amount of such bill or account, and such warrant shall be paid by the treasurer out of the money hereby appropriated.

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due and shall make an award in writing to the Governor as to the amount so due and the said Governor shall in writing order the State auditor to draw his warrant upon the State treasurer for the amount as ascertained to be due and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 29, 1915.

No. 697.)

(H. 866—Smith of Crenshaw.

AN ACT

To amend sections three, ten and eleven of an act approved March 9, 1911, to provide for and regulate the manufacture and sale of "Commercial Feeding Stuffs" in Alabama; to further provide for the registration, tagging, sampling and analyzing commercial feeding stuffs; and to fix penalties for violations of this act.

Be it enacted by the Legislature of Alabama:

That sections three, ten and eleven of an act approved March 9, 1911, "to provide for and regulate the manufacture and sale of "commercial feeding stuffs" in Alabama; to further provide for the registration, tagging, sampling and analyzing "com-

mercial feeding stuffs;" and to fix penalties for violations of this act," be amended so as to read as follows:

Sec. 3. Before any manufacturer, importer, jobber, firm, association, corporation or person shall sell, offer or expose for sale or distribution in this State any commercial feeding stuff, he or they shall file with the commissioner of agriculture and industries a certified copy of the statement specified in section two of this act for each brand of commercial feeding stuff, said certified copy to be accompanied by a fee of two dollars for each brand offered for registration, and it is further provided that said brand shall be registered each fiscal year, and that the guaranteed analysis of no brand be lowered during the fiscal year for which same is registered or any subsequent registration unless the brand name is changed.

Sec. 10. Any manufacturer, importer, jobber, firm, association, corporation or person who shall sell, offer or expose for sale, or distribute in this State, any commercial feeding stuffs without having attached thereto or furnish therewith such tax stamps, labels, or tags as required by the provisions of this act, or who shall use the required stamps, labels or tags a second time, or use a counterfeit of such tax stamps, labels or tags, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent said commissioner of agriculture and industries, or who shall sell, offer or expose for sale or distribute in this State any commercial feeding stuffs as defined in section one of this act without complying with the requirements of the provisions of this act, or who shall sell, offer or expose for sale or distribute in this State any commercial feeding stuffs as defined in section one of this act which contains a smaller per centum of crude protein or crude fat, or a larger per centum of crude fibre than is certified to be contained therein, or who shall fail to properly state the specific name of each and every ingredient used in its manufacture, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500) for the first violation and not less than five hundred (\$500) for each subsequent violation, and may also be imprisoned in the county jail for a period not exceeding six months. Any manufacturer, importer, jobber, firm, association, corporation or person who shall adulterate any commercial feeding stuffs with cob meal, rice hulls, peanut hulls, or any substance or substances injurious to the health of live stock or poultry shall be guilty of a misdemeanor and in addition to the penalty provided in this section, the lot of feed stuffs shall be subject to seizure, condemnation and sale as the

court may direct; the proceeds from such sale to be covered into the State treasury. The court may in its discretion release the feeding stuffs so seized when the requirements of the provisions of this act have been complied with, and upon payment of all the costs and expenses incurred by the State in any proceedings connected with seizure.

Sec. 11. The commissioner of agriculture and industries is hereby empowered to enforce the provisions of this act and to prescribe the forms of tags, stamps or labels to be used to show that the tag or stamp tax or fee has been paid; but no stamp, tag or label shall be used or authorized by him until and after the same has been copyrighted according to the laws of the United States Patent Office. And he shall prescribe and enforce such rules and regulations relating to the sale of commercial feed stuffs as he may deem necessary to carry out the provisions of this act and, in order to carry into effect the full intent and meaning of this act, the commissioner of agriculture and industries is hereby authorized to appoint a special food, drug and feed clerk, at a salary of eighteen hundred dollars per annum, two pure food and drug inspectors who shall receive a salary of one hundred dollars each per month and who shall be allowed actual traveling and necessary expenses not to exceed one hundred dollars per month, and whose duties shall be, in addition to inspecting pure foods and drugs and collecting samples and looking after such other matters as he may be required to under the provisions of this act, shall also when requested or directed by the commissioner of agriculture and industries inspect and collect samples of fertilizer or fertilizer materials or ingredients and all other such duties as may be required of them by the commissioner of agriculture and industries in the department of agriculture and industries or any part or branch thereof. The salary of the special pure food, drug and feed clerk and each of said two inspectors and all expenses incurred in enforcing the provisions of this act shall be paid out of the funds arising from the registration, from the sale of tags or stamps and fines under this act. All monies arising under the provisions of this act shall be payable to the commissioner of agriculture and industries and shall be by him paid daily into the State treasury, and the salaries and expenses incurred shall be paid as other salaries and expenses are paid in the department of agriculture and industries.

Approved September 29, 1915.

No. 698.)

(H. 1025—Fite of Tuscaloosa.

AN ACT

To amend section 3485 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That section 3485 of the Code of Alabama of 1907 be and the same is hereby amended so as to read as follows: 3485.—Mining, manufacturing, and quarrying corporations may acquire or condemn rights of way, tunnels, subways, etc.—Mining, manufacturing, power and quarrying companies may acquire by condemnation lands for ways and rights of way for railways, tramways, canals, aqueducts, tunnels, underground passages, and roads whereby to connect any part of their lands, or works, with their principal place of business, or with any public road, railroad, or navigable waters, or with their mines on other lands, not exceeding one hundred feet in width throughout the length of such railways, tramways, canals, aqueducts, tunnels, underground passages, or roads: “and may acquire by condemnation lands on the bank of or adjoining any navigable waters, not exceeding in area ten acres for the erection of public wharves, piers, or landings, and warehouses, depots, storage, loading or unloading places.” And only a reasonable toll or charge, to be fixed by the railroad commission of Alabama, shall be made for the use of such public wharves, piers or landings, and warehouses, depots, storage, loading or unloading places. “Provided, no proceedings for the condemnation of lands under this section shall be entered under this section until the approval of the railroad commission is first obtained.” “And provided, further, that no action can be instituted under the provisions of this section for the condemnation of any lands within the curtilage of any private residence.”

Approved September 25, 1915.

No. 699.)

(H. 943—Lavery.

AN ACT

To provide a mode whereby cities in the State of Alabama, which shall have heretofore adopted or may hereafter adopt a commission form of government as authorized by law, may after an election upon such question, abandon such commission form of government and return to the aldermanic form of government as the same existed therein at the time of adoption of such commission form of government.

Section 1. *Be it enacted by the Legislature of Alabama,* That all cities in the State of Alabama which may have heretofore adopted a commission form of government, upon the presentation of a petition signed by a number of the qualified electors of said city as will equal three voters of every hundred inhabitants or fractions thereof according to the Federal census of 1910 or any Federal or municipal census hereafter taken, residing in such cities, to the judge of probate of the county in which such city is located, asking that the proposition of abandoning the commission form of government be submitted to the qualified voters of said city, the judge of probate shall examine such petition and determine whether or not the same is signed by the requisite number of the qualified electors of such city to authorize an election in such city for the purpose of abandoning said commission form of government; and if such probate judge shall find that said petition contains the requisite number of electors to authorize such election, he shall, within ten days from the receipt of said petition, certify such fact to the president of the board of commissioners of said city in which such election is so petitioned, and the certificate of the judge of probate as to the sufficiency of said petition shall be final. The president of the board of commissioners of said city shall immediately upon the receipt of such petition from the probate judge, by proclamation submit the question of abandoning the commission form of government, at a special election to be held at a time specified therein, within 40 days after the receipt of said certificate from said probate judge. If said plan of abandoning the commission form of government is not adopted after said special election called, the question of abandoning said plan cannot be resubmitted to the voters of said city within two years thereafter, and then the question to abandon the said plan may be resubmitted in the manner above provided. At such election the proposition to be submitted shall be: "Shall the proposition to abandon the commission form of government in the city of.....and return to the aldermanic form of government as it existed in said city at the time said commission form of government was adopted, be adopted?" The following shall be the form of ballot, which words shall be printed in plain type on separate slips namely: "Shall the proposition to abandon the commission form of government in the city of and return to the aldermanic form of government as it existed in said city at the time said commission form of government was adopted, be adopted?" Yes..... No..... The voter shall mark his

ballot with a cross mark before or after the word which expresses his choice. No other proposition shall be submitted to the voters of said city upon this ballot. The election thereupon shall be conducted, the vote canvassed and the result declared in the manner provided by law, for other city elections, and if the majority of the votes cast shall be in favor of such proposition, then the provisions of the general municipal law as the same existed prior to and at the time of the adoption of the commission form of government in said city shall be adopted and the president of the board of commissioners of said city shall transmit to the Governor of Alabama, to the secretary of State and to the judge of probate of the county each a certificate stating that such proposition was adopted by said city.

Sec. 2. The Governor shall, within thirty days after receiving notice of the results of said election, appoint a mayor and the requisite number of aldermen who shall reside within the territorial limits of such city, and who shall possess the qualifications prescribed by law for such city, and who shall hold office thereafter until their successors are elected and qualified in the manner now or hereafter prescribed by law, and such officers so appointed shall hold office until the next regular election and until their successors are qualified.

Sec. 3. As soon as such mayor and aldermen shall have been appointed and shall qualify and enter upon the duties of their office, then such city shall become and be organized under the general municipal laws of Alabama, free from and independent of any of the terms or provisions or any of the commission form of government laws otherwise applicable thereto.

Sec. 4. The mayor and aldermen of said city shall possess and exercise all the powers and authority, legislative, executive and judicial, possessed and exercised by municipal corporations of such population which may never have been organized under commission form of government law.

Sec. 5. Such city shall continue its organization as a body corporate under the name of the city of (inserting the name of said city). It shall continue to be subject to all the duties and obligations then pertaining to or incumbent upon it as a municipal organization and shall continue to enjoy all rights, immunities, powers and franchises then enjoyed by it, as well as those that may thereafter be granted to it. All laws governing such city and not inconsistent with the provisions of this act shall apply to and govern said city after it shall have become organized under the aldermanic form as hereby provided. All by-laws, ordinances, and resolu-

tions lawfully passed and enforced in said city under its former organization shall remain in force until altered or repealed as authorized by law. The territorial limits of said city shall remain the same as under its former organization, except that it shall be divided into wards in the manner provided for by law, and all rights, powers and privileges of every description which were vested in it shall vest in it under the organization herein provided for as though there had been no change in the organization of said city and no right or liability either in favor of it or against it, and no suit or prosecution of any kind shall be affected by such change unless otherwise expressly provided for by the terms of this act. All employees of said city and all officials except those whose terms of office are abolished by this act shall continue in office until but only until otherwise provided by the mayor and aldermen of said city, but the office of commissioner and the office of board of commissioners and the office of president of board of commissioners be and they are severally abolished upon the appointment and qualification of the mayor and aldermen, in pursuance of the election herein provided for.

Sec. 6. Every city abandoning the commission form of government and returning to the aldermanic form as authorized herein shall be governed and managed by the mayor and aldermen of said city in all respects as provided for by law, and as such shall possess all the powers and perform all the duties and obligations now or hereafter conferred upon the mayor and aldermen in cities in the State of Alabama. That this act shall not apply to cities having a population of 35,000 or more according to the last or any subsequent Federal census.

Approved September 25, 1915.

No. 700.)

(H. 1599—Davis.

AN ACT

To authorize the construction of a dam in the Mulberry Fork of the Warrior river at or near Sanders Ferry in Walker county.

Be it enacted by the Legislature of Alabama:

Section 1. That Henry T. DeBardelaben, Eugene Fies and John London, or a corporation to be organized by them for this purpose, is hereby authorized to build and maintain a dam for the improvement of navigation in the Mulberry Fork of the Black Warrior river at or near Sanders Ferry in Walker coun-

ty, provided the location and plans thereof are submitted to and approved by the United States chief of engineers and the secretary of war.

Sec. 2. That the beneficiaries of this power shall have the right of eminent domain conferred by chapter 79 of the Code of Alabama to be exercised as therein provided.

Approved September 25, 1915.

No. 703.)

(H. 1482—Yarbrough.

AN ACT

To amend sections 541, 543, 544 and 545 of the Code of Alabama.

Be it enacted by the Legislature of Alabama.

That sections 541, 543, 544 and 545 of the Code of Alabama be so amended as to read as follows: 541. (1707) Powers and duties of the board.—For the protection of life and health, to prevent the spread of contagious diseases, and to regulate the practice of embalming and the care and disposition of the dead, the board shall have the power and it shall be its duty—1. To prescribe a standard of efficiency as to the qualification and fitness of those persons who may engage in the practice of embalming and the care and disposition of dead human bodies.

2. To meet at least once in each year, and oftener as the proper and efficient discharge of its duties may require.

3. To elect annually a president and secretary from the members of the board, who shall serve for one year, or until their successors shall be elected and qualified.

4. To adopt a common seal.

5. To adopt rules and regulations and by laws not inconsistent with the laws of this State or of the United States, whereby the performance of the duties of the board and the practice of embalming dead human bodies shall be regulated.

6. To hear and try any charges against any licensed embalmer for incompetency, immorality, drunkenness or any offense involving moral turpitude, and to revoke the license of any person found guilty of such offense. 543. (1709) Embalming licensed; fee.—Every person desiring to engage in the practice of embalming dead human bodies shall make written application to the State board of embalming for a license, accompanied by a license fee of five dollars, and shall appear before

the board at a time and place to be fixed by the board; and if the board shall find upon examination that the applicant is of good moral character, and has a knowledge of the venous and arterial systems, the location of the heart, lungs, stomach, bladder, womb, and other organs of the human body; the location of abdominal, pleural and thoracic cavities; the location of the carotid, brachial, radial, ulnar, femoral, and tibial, arteries; the science of embalming and the care and disposition of the dead, and a reasonable knowledge of sanitation and the disinfection of dead bodies and the apartment, clothing, and bedding of the deceased, in case of death from infectious or contagious diseases, the board shall issue to the applicant a license to practice the science of embalming and the care and disposition of the dead, and shall register such applicant as a duly licensed embalmer. Such license shall be signed by a majority of the board and attested by its seal. All persons receiving a license shall have it registered in the office of the judge of probate of the county in which it is proposed to carry on said practice, and shall display said license in a conspicuous place in the place where such business is carried on. 544. (1710) Annual dues.—Every registered embalmer must pay annually to the secretary of the board a fee of two dollars for the renewal of registration. Be it further enacted, that all expense, salary, and per diem to members of this board shall be paid from fees received under the provision of this act, and shall in no manner be an expense to the State. All moneys received in excess of said per diem allowance and other expenses provided for, shall be held by the secretary of said board as a special fund for meeting the expenses of said board. 545. (1711) Unlawful to practice embalming without license.—It shall be unlawful for any person not a registered embalmer to practice embalming provided, however, that any licensed physician may embalm bodies in case of death outside of any incorporated municipality, having a population of five hundred inhabitants, or in any municipality at any time when there is not licensed embalmer in said municipality. Be it further enacted, that any person who shall practice or hold himself or herself as practicing the science of embalming, without having complied with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof before any court shall be sentenced to pay a fine of not less than fifty nor more than one hundred dollars for each and every offense.

Approved September 22, 1915.

No. 705.)

(H. J. R. 190—Chamberlain.

HOUSE JOINT RESOLUTION.

Requesting Congress to give Alabama an assignment upon the rivers and harbors committee, to aid in advancing the claims of Alabama in behalf of her water-ways and only sea-port.

Whereas, Alabama is peculiarly blessed with a magnificent system of water-ways, and a seaport at Mobile of special and unusual importance to the State and to the country at large, and

Whereas, the Federal government has already recognized the commercial necessity of improving the water-ways of our State and of deepening and maintaining the channel from the port of Mobile to the Gulf of Mexico, which is the natural outlet for the commerce of a vast and growing section.

Resolved by the House the Senate concurring, that it is the sense of the Legislature of Alabama that the Congress of the United States shall as speedily as possible improve these great high-ways to meet the ever increasing expansion of our commerce.

Resolved further that it is the opinion of this Legislature that our great State should continue to have personal representation upon the rivers and harbors committee in the House of Representatives of Congress, to aid in advancing the claims of Alabama in behalf of her water-ways and her only seaport, and that Congress be and the same is hereby memorialized and respectfully requested to give to Alabama an assignment upon said committee which deals with matters of the highest importance to the material and commercial prosperity of the State.

Resolved further that the secretary of the State be requested to send a copy of this resolution to each of the United States Senators and to each member of Congress from Alabama.

Adopted by the House September 22, 1915.

Adopted by the Senate September 22, 1915.

No. 706.)

(H. 900—Welch.

AN ACT

To amend an act entitled an act to regulate the business of dealers in farm produce, to fix licenses for the carrying out of said business and to provide for revocation of this license and for the penalty for any violation of this act; to prevent fraud in the selling and handling of farm produce and to provide punishment for such fraud; to provide for the collection and disbursement of the monies collected; to establish, increase

and encourage markets for the sale of farm produce. Approved March 5th, 1915.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That an act entitled an act to regulate the business of dealers in farm produce, to fix licenses for the carrying out of said business and to provide for the revocation of this license and for the penalty for any violation of this act; to prevent fraud in the selling and handling of farm produce and to provide punishment for such fraud; to provide for the collection and disbursement of the monies collected; to establish, increase and encourage markets for the sale of farm produce, approved March 5, 1915, be, and the same is hereby amended to read as follows: Section 1. That before engaging in the business of wholesale dealer in farm produce in this State that every person, firm, exchange, association or corporation shall obtain from the State of Alabama a license, issued by the commissioner of agriculture and industries, to engage in such business. The application for such license shall be in writing on such blank form as may be required by the commissioner of agriculture and industries. And such application shall contain, among other things, the name, address and age of the applicant if an individual, and, if a partnership or association, the names, addresses and ages of the members of such association or partnership shall be given, and if a corporation, the names and addresses of the officers shall be given, and, in either event, an appropriate statement, such as may be required by the commissioner of agriculture and industries, showing the financial status of such applicant, the length of time said applicant has been engaged in such business, the character of such farm produce as such applicant intends to deal in, the location of his, their or its principal place of business, and, if more than one place of business, each shall be given and a license procured for each branch place of business or branch house. If the commissioner of agriculture and industries approves said application the applicant shall thereupon enter into a good and sufficient bond, in the sum of one thousand dollars, payable to the State of Alabama, and conditioned that the principal therein named shall honestly conduct such business and pay over to the consignor any goods received by him, them or it or any proceeds of sales of farm produce sold for the account of such person and to otherwise conduct his business according to the provisions of law. Said bond shall be filed and duly recorded in the office of the secretary of State after the same has

been taken and approved by the commissioner of agriculture and industries. A copy of said bond, duly certified by the secretary of State, shall be received as evidence in all of the courts of this State without other proof. Any person having a right of action against any such wholesale produce dealer may bring suit against the principal and sureties of said bond, one or both, at the discretion of the person injured, and successive suits of a similar nature and character may be brought on said bond until the face value thereof is exhausted. Any such suit on said bond shall be governed by the general laws of this State. In case such bond is exhausted the license of such dealer shall thereupon be cancelled by the commissioner of agriculture and industries, unless such dealer shall immediately execute a new bond as herein provided for; and, if such commissioner of agriculture and industries fails to immediately cancel such license, any citizen of this State may notify such dealer of the fact that such bond has been exhausted and his license shall thereupon become null and void, unless he makes a new bond immediately as herein provided for. And after such license has been cancelled or has become null and void, as above provided for, it shall be unlawful for said wholesale produce dealer to engage in such business without first obtaining a new license.

Sec. 2. The term wholesale produce dealer herein used shall include only such persons, firms, exchanges, brokers, associations or corporations who receive shipments of farm produce to sell on commission for the account of the consignor, the term farm produce shall include all agricultural, horticultural, vegetable and fruit products of the soil, poultry, eggs, dairy products, nuts, honey, and the like, but shall not include timber products, floricultural products, tea or coffee, provided that no person other than those herein defined as a wholesale produce dealer shall be subject to the provisions of this act.

Sec. 3. For any liability which any consignor of farm produce may have against any wholesale produce dealer, either for the price of said farm produce or any balance due thereon, or for any loss of price in the sale thereof by reason of any false or fraudulent representations made by said dealer to the owner or consignor of said produce, the said owner or consignor of the same shall have the right of action as hereinbefore provided for against the said produce dealer and the sureties on his said bond.

Sec. 4. The commissioner of agriculture and industries, or either one of his assistants, shall have power to investigate, upon the verified complaint of an interested person, also to

make an investigation irrespective of whether or not a complaint is filed, the record of any person, firm, exchange, corporation or association applying for a license, or any transaction involving the solicitation, receipt, sale or attempted sale of farm produce, the failure to make proper and true accounts and settlements at prompt and regular intervals, the making of false statements as to conditions, quantity or quality of goods received or while in storage, the making of false statements as to market conditions, with the intent to deceive, or the failure to make payment for goods received or other alleged injurious transactions; and for such purpose may examine at the place of business of the licensee, that portion of the ledgers, books of account, memoranda, or other documents, relating to the transactions involved, of any wholesale produce merchant, and may take testimony thereon under oath, and, to this end, administer oaths to witnesses for that purpose. When a consignor of farm produce fails to obtain a satisfactory settlement in any transaction, after having notified the consignee, a certified complaint may be filed at the expiration of ten days after such notification with the commissioner of agriculture and industries. The commissioner of agriculture and industries shall attempt to secure an explanation or adjustment; and, failing in this within seven days he shall cause a copy of the complaint, together with a notice of the time and place for a hearing of such complaint to be served personally or by mail upon such produce merchant. Such service shall be made at least seven days before the hearing, which shall be held in the city, village or township in which the place of business of the licensee is situated. At the time and place appointed for such hearing the commissioner of agriculture and industries, or one or more of his assistants, shall hear the parties to such complaint and shall have power to administer oaths to witnesses to give testimony in regard thereto, and shall thereafter enter in the office of the commissioner of agriculture and industries, at Montgomery, Alabama, a decision, either dismissing such complaint or specifying the facts which he deems established on such hearing, and in case such facts are established as cause him to revoke the license of such licensee, the fact of such revocation shall be included in his decision and, immediately upon the making of such decision, a cause of action shall accrue in favor of any person injured by the wrongful acts of such licensee on the bond herein provided for, also a cause of action in favor of the State to be prosecuted by the commissioner of agriculture and industries, in the name of the State, for such damages as the State may have suffered and costs incident to such investigation.

Sec. 5. The commissioner of agriculture may decline to grant a license or may revoke a license already granted where he is satisfied of the existence of the following cases or any of them: (a) Where a money judgment has been entered against such produce merchant and upon which execution has been returned unsatisfied. (b) Where false charges have been imposed for handling or services rendered. (c) Where there has been a failure to account promptly and properly or to make settlements, with intent to defraud. (d) Where there has been false statements as to conditions, quality or quantity of goods received or held for sale when the same might be known on reasonable inspection. (e) Where there has been false or misleading statement or statements made as to market conditions with intent to deceive. (f) Where there has been a combination or combinations to fix prices. (g) Where the produce merchant directly or indirectly purchases the goods for his own account without prior authority therefor or without notifying the consignor thereof. (h) Where the produce merchant is in bankruptcy or insolvency, or where the commissioner of agriculture has reason to believe that bankruptcy or insolvency may shortly occur. (i) Where there has been a continued course of dealing of such a nature as to satisfy the commissioner of the inability to properly conduct the business of produce merchant or of intent to deceive or defraud shippers. (j) Where a licensee has been guilty of fraud or deception in obtaining his license. (k) Where the licensee neglects to file a new bond when notified by the commissioner that the bond already filed is unsatisfactory.

Sec. 6. The action of the commissioner of agriculture and industries in refusing to grant a license or in revoking a license granted under this act shall be subject to review by any circuit court in this State, or other court of like jurisdiction, on a writ of certiorari; and, if such proceedings are begun, until, the final determination of the proceedings and all appeals therefrom the license of such produce merchant shall be deemed to be in full force and effect, provided the fee for such license shall have been paid and a bond given as in this act required.

Sec. 7. Every produce merchant, who handles farm produce on commission, shall, upon the receipt of farm produce and as he handles and disposes of the same, make a record thereof, specifying the name and address of the consignor, the date of receipt, the kind and the quantity of such produce, the amount of goods sold, the date of sale, the price received, the name and address of the person to whom the goods are sold or his license number where the same can be secured with reason-

able diligence, and the item of expense connected therewith; and this record, together with payment in settlement for such shipment, shall be mailed to the consignor within forty-eight hours after the sale, unless otherwise agreed. The produce merchant shall retain the foregoing record for a period of one year and the same shall be open to the inspection of the commissioner of agriculture and of the consignor or the agents of either of them. The burden of proof shall be upon the produce merchant to prove the correctness of his accounting as to any transactions which may be questioned, and shall be punished by a fine of not exceeding five hundred dollars.

Sec. 8. Any person, firm, exchange, association or corporation who shall receive or offer to receive, sell or offer to sell within this State any kind of farm produce, without a license except as in this chapter permitted, and any person who being a produce merchant in farm produce shall (a) impose false charges for handling or services in connection with farm produce, or (b) fails to account for such farm produce promptly and properly and to make settlement thereof, with intent to defraud, or (c) shall make false or misleading statement or statements as to market conditions with intent to deceive, or (d) enter into any combination or combinations to fix prices, or (e) directly or indirectly purchases for his or its own account, goods received by him or it upon consignment without prior authority therefor from the consignor, or shall fail to promptly notify the consignor of such purchase on his or its own account, or (f) any person, consignee or consignor handling, shipping or selling farm produce who shall make a false statement as to grade, condition, markings, quality or quantity of goods shipped or packed in any manner, with intent to deceive, or (g) shall fail to comply in every respect herewith, or (h) shall advertise or hold one's self out as a produce merchant in farm produce without a license, shall be guilty of a misdemeanor.

Sec. 9. That the price of said license shall be \$10.00 per annum and shall be payable in advance on the first day of January of each year and shall be paid to the commissioner of agriculture and industries, and the license for the calendar year shall become due and payable thirty days after the approval of this act. The license money collected by the commissioner of agriculture and industries under this act shall be by him turned over to the State treasurer as collected and the State treasurer is hereby required to keep said money separate and apart from any other money in the State treasury. This money shall be paid out only on a certificate or warrant approved by the com-

missioner of agriculture and industries for the purpose of paying the expenses of enforcing this act and for the other purposes provided in section eleven of this act.

Sec. 10. It shall be unlawful for any person to engage in the said produce business in this State as herein defined without first taking out and paying for a license as herein provided.

Sec. 11. The monies coming into the hands of the commissioner of agriculture and industries under the provisions of this act after payment of the expenses of carrying out the provisions of this act, shall be applied by him so far as the same may be necessary for the purpose of establishing, creating, encouraging, ascertaining and providing markets for such farm products and increasing and encouraging the sale of said farm produce to the end that the owners and consignors of said farm produce may obtain full and fair price therefor and honest and fair treatment in the disposition of the same.

Sec. 12. Any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction therefor shall be punished as the law provides the punishment for such misdemeanor.

Sec. 13. That the duties of the administration of this act is hereby conferred upon the commissioner of agriculture and industries. It is further provided that the said commissioner may employ a clerk at a salary not to exceed eighteen hundred dollars per annum and a stenographer at a salary not to exceed seven hundred fifty dollars per annum, and is further provided that the expense of stationery, printing, and etc., shall not exceed twelve hundred and fifty dollars per annum, such salaries and expense to be paid out of any funds to the credit of the agricultural department not otherwise appropriated.

Sec. 14. This act shall take effect immediately and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved September 29, 1915.

No. 707.)

(H. 1071—Davis.

AN ACT

To amend sections 706 and 707 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

1. That section 706 of the Code of 1907 be and the same hereby is amended so as to read: 706.—Duties of county health

officers.—Subdivision 1. It shall be the duty of a county health officer who devotes only a part of his time to the duties of his office, 1. To keep, under regulations prescribed by the State board of health, a book to be styled, the *register of births*, in which book he shall register, so far as reported to him, the sex and color of every child born in the county, the date of such birth, the name or names, age or ages, race, color and occupation of the parent or parents, together with such other details as said regulations may require; also, a book to be styled, the *register of deaths*, in which he shall register the name, so far as reported to him, of all persons who die in the county, specifying the date, place, and cause of death, also, the sex, color, race, occupation and, so far as can be ascertained, the ages of such deceased persons, together with such other details as may be required by said regulation; also, a book to be styled the *register of infectious diseases*, in which book he shall register, so far as reported to him, the name, age, sex, color, race, occupation, and place of residence together with such other details as may be required by said regulation, of all persons who may be attacked by any of the diseases enumerated in section 716 of this Code; all of which *registers* shall be furnished by the court of county commissioners or other like board, and when filled said *registers* shall be filed by the county health officer in the office of the judge of probate of the county, who shall receipt therefor and which receipt shall be forwarded by the county health officer to the State health officer for permanent filing.

2. To exercise, subject to the advice of the committee of public health and in accordance with the health laws of the State, general supervision over the sanitary interests of the county, and should he discover any cause of disease, or the existence of any condition detrimental to the health of the people, he shall, so far as authorized by law, compel the removal or abatement of the same, and should no authority for such removal or abatement exist, he shall report the fact to the county board of health, adding such recommendations as to special action as he may deem proper.

3. To make personal and thorough investigation of the first case, or early cases, of any diseases suspected of being, or known to be, any one of those enumerated in section 716 of this Code that may come to his knowledge, or be reported to him, and should he decide such case, or cases, to be one of those enumerated in said section, and in imminent danger of spreading, he shall in accordance with the law institute immediate measures

to prevent the spread of such disease and shall forthwith report the facts in writing to the judge of probate of the county, to the chairman of the committee of public health of the county board of health and to the State health officer.

4. To obtain as needed at the expense of the county a sufficient supply of vaccine virus, with which to vaccinate, without charge, all indigent persons of the county who may apply at his office, or at the offices of such physicians throughout the county as may be supplied with vaccine virus for the purpose of assisting him in the vaccination of such persons.

5. To visit the county jail, all convict camps where any county convicts are worked, and the county almshouse, at least once each month and to make careful investigation as respects the drinking water, the food, the clothing, and bedding supplied to the prisoners of the former and the inmates of the latter; also, as to the ventilation, air space, heating and bathing facilities, closets, drainage, etc., of these institutions, and when any of said supplies are found to be inadequate in quantity or deficient in quality, or any of said conditions unsanitary, it shall be the duty of the county health officer to make in writing a circumstantial report thereof to the judge of probate and court of county commissioners or other like board, whereupon, it shall be the duty of said judge of probate and court of county commissioners to carry out whatever recommendations are made by the county health officer as respects the county jail and county almshouse, and said health officer shall forward duplicates of his reports to the county board of health and to the State health officer. He shall likewise visit the county court-house and any other public building belonging to the county once each month and make investigations corresponding with those laid down in this section as applying to the jail and almshouse and should he find unsanitary conditions existing he shall report the same to the court of county commissioners or other like board, whereupon, it shall be the duty of said court of county commissioners to remedy the unsanitary conditions in accordance with the recommendations of the county health officer.

6. To make to the State board of health by or before the 10th day of each calendar month a full report, so far as the facts reach him, of all cases of infectious diseases and of all births and deaths, specifying the causes of the latter that occur in the county, including all municipalities therein, for the preceding month.

7. To make to the judge of probate and court of county commissioners or other like board and to the county and State board of health by or before the 1st day of March of each year an annual report of all public health and sanitary work done in the county during the preceding year, which report shall include the vital and mortuary statistics of the county and of all municipalites therein, together with such information, suggestions, and recommendations in regard to the protection of the health of the people as he may deem proper.

8. To make to the State health officer prompt report of the presence in the county, so far as is reported to him, or as comes to his knowledge, of any of the diseases enumerated in section 716 of this Code, furnishing such information and at such intervals as the State health officer may require.

9. To make to the county board of health such reports and at such time as said board may require.

10. To appear before the grand jury at each of its sittings and to report all violations of the health laws of the State, especially any failures on the part of the physicians of the county, including all municipalities therein, to report the births, deaths, and infectious diseases that occur in their practice; also, to report all failures on the part of midwives to report the births and the deaths that occur in their practice; also, to report failures on the part of dealers in coffins to report all sales of coffins made by them.

11. To authorize in writing any member of the county board of health to act for him in case of a contemplated absence from the county of such duration, or in case of a disability from any cause of such character, as would interfere with the discharge of his official duty, provided that such member accepts in writing such delegation of authority, and provided further that he shall notify the chairman of the committee of public health of the county, the judge of probate of the county and the State health officer of such arrangement.

12. To be present at all meetings of the county board of health for the purpose of keeping that body fully informed as to health conditions prevailing in the county and to likewise keep the court of county commissioners or other like board informed on such matters as said board may deem proper.

13. To attend all conferences of county and municipal health officers which may be called by the State health officer.

14. To discharge such other health functions as are, or may be required of him by law.

Subdivision II. Whenever the court of county commissioners or board of revenue of any county shall deem it wise to provide a county health officer who shall devote all of his time to the duties of his office, and so declare by order entered on the minutes of such court or board, it shall be the duty of the president of the county board of health, except of such counties as have already employed health officers for all of their time, to issue a call for a meeting of said board, giving the members thereof not less than ten nor more than fifteen days' notice of the meeting and further informing them that the object of the meeting is to provide for a county health officer who shall devote his entire time to official work. When the county board of health meets as above provided for, not less than a majority of the members thereof being present, said board shall proceed to remove the incumbent county health officer from office and to declare the office vacant, the officer so removed being eligible for election to the new office. The county board of health shall then proceed to elect a county health officer who shall devote his entire time to the duties of his office. The county board of health shall then instruct the secretary thereof to notify the court of county commissioners or board of revenue that a health officer has been elected for the county for a term of three years, giving the name and address of the officer so elected, such officer to devote his entire time in promoting the health of the people of the county.

Subdivision III. It shall be the duty of all county health officers elected under the preceding subdivision II to devote all of their time to official work and to perform all of the duties above prescribed in this section, and in addition thereto the following:

1. To devote their entire time to the public health interests of the county and under no circumstances to engage in private practice.

2. To occupy an office in the courthouse of the county, to be assigned by the court of county commissioners or board of revenue, and in the event of an office in the county courthouse not being available the said court or board shall provide an office for said county health officer conveniently located with reference to the courthouse.

3. To visit, so far as lies in their power, all cases of infectious or contagious diseases that occur in the county, for the purpose of seeing that all proper measures are enforced to prevent their spread, and to repeat these visits from time to time as may be necessary.

4. To make a special effort to locate all cases of tuberculosis and pellagra in the county, especially incipient cases, with a view of not only urging prompt treatment thereof but also the adoption of such precautions as are deemed necessary to protect others.

5. To inspect the schools of the county at least once annually with the view of seeing that they are supplied with pure drinking water and surrounded by sanitary conditions in all respects, especially to investigate whether or not said schools are equipped with sanitary closets; further, to examine the pupils of the schools at least once annually for the purpose of ascertaining any defects of sight or of hearing that may exist, or of ascertaining the presence of adenoids, enlarged tonsils, skin diseases, spinal curvature, hookworm disease, etc., that may interfere with progress in their studies, and whenever any of the above named diseases or defects are discovered the county health officer shall so notify the parents of the child affected.

6. To teach the proprietors of slaughter-houses, dairies, grocery-houses, hotels, lunch-stands, etc., the importance of protecting all food products from dust and insects of every kind; also, to impress upon the people of the county the importance of similar protection in their own homes.

7. To teach the people of the county by lectures, newspaper articles and demonstrations the causes, modes of propagation, and of prevention of diseases, with special reference to the spread of disease by flies, mosquitoes, rats, fleas, ticks, and other vermin, also the importance of screening their houses against these purveyors of disease.

8. To teach the people of the county how to maintain sanitary conditions in and around their homes, especially how to supply themselves with pure drinking-water and pure milk, and also how to provide sanitary closets.

9. To make such reports as may be required of them to the county board of health, to the court of county commissioners and to the State health officer, said reports to be made on such blanks and forms as may be prescribed by the State board of health.

10. To attend meetings of the court of county commissioners or board of revenue from time to time, or whenever so requested, for the purpose of giving said court or board all desired information as respects the public health interests of the county.

11. To discharge such other health functions as are, or may be, required of him by law.

II. That section 707 of the Code of 1907 be and the same hereby is amended so as to read: 707. Salary of county health officer; how paid.—The salary of the health officer of a county shall be fixed by the court of county commissioners, or board of revenue, provided that in counties of ten thousand inhabitants, or less, the salary shall not be fixed at a lower rate than twenty dollars per thousand of population, and in counties of more than ten thousand inhabitants the decrease in the above rate shall not exceed ten cents per thousand of population up to a population of one hundred thousand, beyond which no further decrease shall be made. The salary for the health officer of a county shall be computed upon the basis of the last United States census, and shall be paid quarterly from the county treasury by the officer legally authorized to draw warrants on said treasury. The salary of health officers, commonly known as "all-time health officers" who are to devote their entire time to official work shall be determined and paid as follows: In counties of less than twenty thousand inhabitants the salary shall be not less than one thousand dollars and not more than eighteen hundred dollars per annum; in counties of from twenty thousand to thirty thousand inhabitants the salary shall be not less than fifteen hundred dollars and not more than twenty-five hundred dollars per annum; in counties of from thirty thousand to forty thousand inhabitants the salary shall be not less than eighteen hundred dollars and not more than three thousand dollars per annum; in counties of from forty thousand to eighty thousand inhabitants the salary shall be not less than twenty-five hundred dollars and not more than thirty-five hundred dollars per annum; in counties of more than eighty thousand inhabitants the salary shall be not less than three thousand dollars and not more than five thousand dollars per annum; all salaries to be based on population as shown by the latest Federal census, and to be paid monthly from the county treasury on warrants of the officer legally authorized to draw warrants on said treasury. Provided, that in counties having a population, according to the last, or any succeeding Federal census, of not less than eighty-two thousand and not more than one hundred thousand, said health officer's salary shall be not less than \$2,400.00 nor more than \$3,600.00 annually, payable monthly.

Approved September 25, 1915.

No. 708.)

(S. 287—Judge

AN ACT

To provide for the government by a commission of all cities in Alabama which now have, or which may hereafter have, a population of one hundred thousand people, or more, according to the last Federal census, or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this act.

Be it enacted by the Legislature of Alabama:

Section 1. That all cities of the State of Alabama which now have a population of one hundred thousand people, or more, according to the last Federal census, or which may hereafter have such population, according to any such census that may be taken hereafter, shall become organized, and shall be conducted under the commission form of government, according to the terms of this act, provided that the qualified voters of such city shall at an election held as hereinafter provided, elect to be governed according to the terms of this act.

Sec. 2. That the election commission of every city in this State now having one hundred thousand population, or more, according to the last Federal census, shall hold a special election in such city or cities, on the second Monday in October, 1915, after the passage of this act, and such election commission shall hold a special election on the second Monday in October of any year, when it shall be determined by a Federal census that any other city or cities in the State of Alabama has attained a population of one hundred thousand people, or more, at which election there shall be submitted to the qualified voters of such city the proposition whether or not such city shall be organized under and be governed by the provisions of this act. The ballot to be used in such election shall be in substantially the following form: Special election. Monday, October 19. Shall the city of.....become organized under, and be governed by the provisions of an act of the Legislature of Alabama, approved (here insert the date of the approval of this act), providing for a board of five commissioners having the powers, authority, and receiving the compensation provided in said act? Make a cross mark before or after the proposition you vote for. Yes: No.:

The election commission shall give not less than two weeks notice of the time and place or places of holding such election, by publication in a newspaper published in said city, and shall appoint all managers, clerks, and returning or other officers of such election, and shall perform all other duties with reference to said election required of them by law with reference to the holding of general or special elections in such city, and the question of the adoption of the provisions of this act may be submitted by said election commission on the same day on which there may be held any general or special municipal election, and in that event there shall be only one set of election officers, and clerks, but each question submitted to the voters shall be on a separate ballot, and separate certificates shall be made of the results of such election.

Sec. 3. If at any election held under the provisions of this act to submit to the qualified voters of any city having a population of one hundred thousand people, or more, whether or not they will elect to become organized under and be governed by the provisions of this act, such proposition is decided in the affirmative by a majority vote of those who vote in such election, the election commission shall certify the result of such election to the governing body of the municipality, and such certificate shall be recorded on the minutes of such commission.

Sec. 4. Thereafter the election commission of such city shall call and hold a special election in such city, and if such city is already organized under a commission form of government having three commissioners, there shall be elected at such election, two additional commissioners for such city, who shall hold office and act as such commissioners, with all the powers and duties pertaining to the office, for the time provided by this act. And in the event any such election shall be called in any city which has not now, but which may hereafter have a population of one hundred thousand, or more, and which is not then under a commission form of government, there shall be elected at the election provided for in this section five commissioners for such city, who shall be the governing body of such city, if this act is approved and adopted by the voters of such city, and such commissioners shall serve from the date of election to the next quadrennial period for such elections, counting such quadrennial periods as beginning the first Monday in November, 1917. Such election shall be held under the general election laws applicable to such cities, and shall be held at the several voting places in such city, or cities, on the first Monday in December

following the adoption of the provisions of this act by the voters of such city or cities at the election held on the second Monday in October. The election commission shall canvass the votes cast in said election so held on the first Monday in December, on the day following such election or as soon thereafter as practicable, and shall give a certificate of election to the two, or the five candidates, as the case may be, who receive a majority of all the votes cast in said election. Each voter shall be entitled to vote for two, or five candidates, depending upon the number of commissioners to be elected. Said certificate of election shall entitle the holder to act as commissioner of said city from the date of such certificate, for the term for which they were elected, and such certificate shall be recorded on the minutes of such commission. The commissioners so elected shall have all the powers conferred upon them by law and by the terms of this act, and they shall receive the compensation hereinafter provided. At any election held under the provisions of this act, at which commissioners are elected, the candidates receiving the highest number of votes for the respective offices for which they are candidates, shall be elected thereto, provided he receives a majority of all votes cast for such office. If at the first election, a majority is not received by any or by an insufficient number of candidates to fill the offices voted for at such election, then a second election shall be held on the same day, one week later, when the name of the candidates receiving the highest number of votes for president, or commissioner, shall be placed on the ballot, provided they were not elected at the first election; the number of the names so placed upon the ballot to be equal to twice the number of offices to be filled, provided such number were candidates in the first election, and the candidate or candidates receiving the highest number of votes for said offices at the second election, shall be elected to the office of president, or commissioner, as the case may be.

Sec. 5. In the event the qualified voters in any city in this State now having a population of one hundred thousand, or more, shall elect to be organized under, and be governed by the terms of this act, the president of the board of commissioners of all cities, the government of which is conducted under the provisions of an act of the Legislature, approved March 31st, 1911, shall be president of the commission created by this act, and he shall hold office until the first Monday in November, 1917, and the commissioner of all cities, the government of which is provided for by said act, and who was elected in 1914 to serve for a

term of three years, shall be a commissioner under this act, and his term of office shall expire on the first Monday in November, 1917; the successor to the commissioner of such cities, whose term of office expires on the first Monday in November, 1915, shall be elected at the general election to be held in such cities on the second Monday in October, 1915, and he shall serve for a period of two years from the first Monday in November, 1915, and until his successor is elected and qualified, if this act shall be adopted as the form of government of such cities, otherwise his term of office shall remain as provided by the terms of the act approved March 31st, 1911. If at the election to be held on the second Monday in October, 1915, in those cities which are now organized under and governed by the terms of the act approved March 31st, 1911, a majority of the qualified voters of such city, voting in such election, elect to be organized under and be governed by the terms of this act, then the commissioners who shall be elected on the first Monday in December, shall serve as such commissioners for a term beginning on the first Tuesday in December, 1915, and ending on the first Monday in November, 1917, and until their successors are elected and qualified. On the second Monday in October, 1917, and every four years thereafter, there shall be elected a president of said commission, and four other commissioners, who shall assume the duties of the office to which they are elected, on the first Monday in November, 1917, and their term of office shall continue for a period of four years, and until their successors are elected and qualified.

Sec. 6. The president and commissioners hereinbefore provided for, shall be known as the "commission of the city of " (the name of such city to be inserted) and such commission shall have and exercise the powers, and perform the duties in this act provided, and in addition thereto the said commission shall have and exercise all the powers and duties granted to or imposed upon municipal corporations by the general laws of the State of Alabama. Each of the commissioners, the selection and election of which is provided for by this act, shall before entering upon their duties, take the oath of office as provided by the constitution of the State of Alabama, and the said commissioners shall also take oath that they are qualified commissioners under the terms of this act. Said board of commissioners shall not have, possess or exercise any legislative, executive, judicial or administrative powers of the State or county, nor shall the offices held by them be State offices; provided,

however, that the office of commissioner, the term of which under the provisions of this act expires on the first Monday in November, 1915, is and shall be a judicial office, and the commissioner appointed thereto, and hereafter elected thereto, is clothed with full and ample power to administer justice under the ordinances of said city only, and to administer judicially the ordinances of said city only, and the legislative and executive powers herein above conferred upon the commissioner whose term of office expires as aforesaid, shall be an incident merely to said judicial office, and shall be confined only to municipal matters.

Sec. 7. The commissioners herein provided for when sitting as a body and acting in their official capacity, shall be known as the "commission" of said city, as hereinbefore provided, and they shall have, possess and exercise, for, in the name of, and in behalf of said city, all the municipal powers, legislative, executive and judicial, which are possessed and exercised by the former governing bodies of such municipality as prescribed by the charter thereof, and all other general acts relating to the government of such city, and also all the powers which may have been granted to or exercised by any board or commission of any kind heretofore created by the Legislature of Alabama, charged with any duties in connection with the government of such city, except as the same have been modified or repealed by the general laws of the State of Alabama, or by the provisions of this act, and all such boards, commissions and officers of such former boards and commissions, shall and the same are hereby abolished; and the terms of office of any and all such officers or officials shall cease upon the passage and approval of this act, provided, however, that nothing herein contained shall be construed to repeal any law creating a board of education for such cities, and prescribing the duties of such board, except that the president of the commission created by this act, shall by virtue of his office be the chairman of such board of education.

Sec. 8. Any proposed ordinance may be submitted to the board of commissioners by petition signed by at least fifteen hundred (1,500) qualified electors of the city. All petitions, circulated with respect to any proposed ordinance, shall be uniform in character and shall contain the proposed ordinance in full, and have printed thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose hereinafter named. Each signer of a petition shall sign his name and shall place on the petition after his name his

place of residence by street and number, if there be such street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the affiant. All papers comprising a petition shall be assembled and filed with the clerk or secretary of the board of commissioners, or the secretary of said board, as one instrument. Within seven (7) days from the filing of a petition the clerk or secretary shall ascertain whether it is signed by the required number of qualified electors. Upon the completion of his examination the clerk or secretary shall endorse upon the petition a certificate of the result thereof. If the clerk or secretary's certificate shows that the petition is insufficient, he shall at once notify each member of the committee of the petitioners hereinbefore provided for, and the petition may be amended at any time within ten (10) days from the date of the clerk or secretary's certificate of examination, by filing with the clerk an additional petition in the same manner as provided for the original petition. Upon the filing of such an amendment the clerk or secretary shall, within ten days thereafter, examine the amended petition and attach thereto his certificate of the result. If still insufficient, or if no amendment shall have been filed, the clerk or secretary shall file the petition in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. When the certificate of the clerk or secretary shows the petition to be sufficient, he shall submit the proposed ordinance to the board of commissioners at its next regular meeting. Such board shall either, (a) pass and adopt said ordinance without alteration within twenty days after attachment of the clerk or secretary's certificate to the accompanying petition, or, (b) forthwith, after the clerk shall have attached to the petition accompanying such ordinance, his certificate of sufficiency, the board shall transmit the papers and petition to the election commission, which shall call a special election, unless a general municipal election is fixed within twenty days thereafter, and at such special or general election, if one is so fixed, such ordinance shall be submitted without alteration, to the vote of the electors of said city. But if the petition is signed by not less than one thousand nor more than fifteen hundred qualified electors, as above defined, then the

board shall within twenty days pass and adopt said ordinance without change, or the same shall be submitted at the next general city election, occurring not more than thirty days after the clerk or secretary's certificate of sufficiency is attached to said petition. The ballots used when voting upon said ordinance shall contain these words, "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance," (stating the nature of the proposed ordinance) and the voter shall express his choice by a cross mark. If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by vote of the people, cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for such purpose. A proposal for the repeal of any such ordinance or for amendments thereto may be submitted to be voted upon at any succeeding general election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposal is required by this section to be submitted to the voters of the city at any election, such ordinance or proposal shall be published in the same manner as referendum ordinances or proposals are herein required to be published. The election to be held under this section shall be in accordance with general election laws governing elections in such city, and all laws governing elections generally, applicable to such city, shall be applicable to elections held hereunder.

Sec. 9. That all cities in this State now having a population of one hundred thousand or more, according to the present Federal census, shall continue its existence as a body corporate under the name of "City of....." (inserting the name of said city) and such city shall continue to be subject to all duties and obligations pertaining to or incumbent upon it as a municipal corporation not inconsistent with the provisions of this act, and shall continue to enjoy all the rights, immunities, powers, privileges and franchises heretofore enjoyed by it, as well as those that may hereafter be granted to it not inconsistent with the provisions of this act. All laws governing such city and not inconsistent with the provisions of this act, shall apply to and govern said city after it shall have become organized under the

provisions hereof. All by-laws, ordinances and resolutions lawfully passed and in force in any such city under its former organization, not inconsistent with the provisions of this act, shall remain in force until altered or repealed. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which were vested in it, shall vest in it under the organization herein provided for, as though there had been no change in the government of said city; and no right or liability either in favor of it or against it, and no suit or prosecution of any kind shall be affected by the change of government herein provided for, unless otherwise expressly provided for by the terms of this act. All employees of said city shall continue in office until otherwise provided by the commission for said city created by this act.

Sec. 10. Every city organized under the provisions of this act shall be governed and managed by a commission of five members, the selection and election of which are provided for by this act. Each and every officer and employee of said city, except health officer and such persons as may be employed by him to enforce quarantine, shall be selected and employed by the commission, or under its direction, and all salaries and wages paid by said city, except as herein otherwise provided, shall be fixed by said commission, provided that no subordinate official or head of departments shall receive a salary exceeding thirty-six hundred dollars (\$3,600.00) per annum, but this shall not prevent the city from employing legal counsel or consulting engineers at a higher compensation, when in the opinion of the commission, the welfare of the city requires it. The commission shall prescribe, and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the title of the city health officer, and all of said officers and employees shall hold office and be removable at the pleasure of the commission.

Sec. 11. The powers and duties in such cities shall be distributed into and among five departments, as follows: 1. Department of general administration, finances and accounts; which department shall be especially charged with the administration of all legal affairs of the city, the purchase of supplies, the collection of taxes, licenses and other sources of income, the expenditures of the city, the management of its sinking fund, and a general supervision over the public affairs of the city, and its finances, including the payment of interest on the public debt. 2. Department of public improvements; which department shall have special supervision of all public improvements

in such city, including the improvement and maintenance of streets and sidewalks, the building of viaducts, the construction of sewers, and the erection of all public buildings. 3. The department of public property and public utilities; which department shall have supervision over the management and maintenance of all public buildings, parks, playgrounds and public utilities, either owned and operated by the city, or operated by private corporations under franchises or contracts with the city. 4. Department of public safety; which shall have supervision over the fire and police department, and all things connected therewith. 5. The department of public health and education, which shall have supervision over the public health and sanitation, and all matters pertaining thereto, and over the public schools, public library, and the administration of the educational system of the city. The powers and duties pertaining to each of said departments shall be fixed by the commission according to the general plan above outlined, and one member of said commission shall be assigned to the head of each such departments, and shall supervise and control its operation subject to the authority of the commission, and shall exercise and perform the powers and duties prescribed by this act, and such additional duties as may be designated by the said commission, and the assignment may be changed at any time by a majority of said commission. The president of the commission shall be the general executive officer of the city, and shall be charged with the general supervision and direction of its affairs; each commissioner acting as the head of the department to which he is assigned, shall give his entire time to the duties required of him as commissioner, and as the head of his department; and the power and authority of such commissioner as head of his department shall be limited to the execution and enforcement of the laws and ordinances of such city pertaining to his department, and the administration thereof, except the legislative powers which said commissioner shall have and may exercise at the regular or special meetings of said commission sitting as a legislative body. The commission shall establish office hours for each department, and all employees thereof, shall be present during such hours for the performance of their duties therein. Provided that health and quarantine matters shall be administered in accordance with the established public health system of the State, and such health laws as are now in force, or may hereafter be enacted, and also in accordance with such ordinances as are now in force, or may hereafter be legally enacted by said commission.

Sec. 12. Said commission shall hold regular public meetings on Tuesday of each and every week at a regular hour to be fixed by the order of said commission from time to time and publicly announced; it may hold such adjourned, called, special or other meetings as the business of the city may require. The president of the commission, when present, shall preside at all meetings of said commission. Three members of the commission shall constitute a quorum for the transaction of any and every business which comes before it, and for the exercise of any and every power conferred upon said commission, and the affirmative vote of three members of said commission shall be necessary and sufficient for the passage of any resolution, by-law or ordinance or the transaction of any business of any sort by the said commission, or the exercise of any of the powers conferred upon it by the terms of this act, or which may hereafter be conferred upon it, except that the vote of four members shall be required to pass an ordinance or resolution over the veto of the president. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose providing for any public improvements, enacting any regulation concerning the public comfort, the public safety or public health, or of any other general or permanent nature, except a proclamation of quarantine, shall be enacted except at a regular public meeting of said board, or an adjournment thereof. Every ordinance introduced at any and every such meeting, shall be in writing and read before any vote thereon shall be taken, and the yeas and nays thereon shall be recorded. All ordinances or resolutions shall be adopted by a majority vote of the commission. All ordinances and all resolutions of a permanent nature after having been adopted by the commission shall be submitted to the president, who shall if he approve the same, signify such approval by endorsement on such ordinance or resolution within five days after the same shall have been submitted to him, and if he does not approve the same, he shall return the same to the commission with his veto, and his reasons therefor endorsed thereon, and such resolution or ordinance shall not thereafter become effective, unless at the following regular meeting of the commission, the four commissioners of such city shall vote in favor of the passage of such ordinance or resolution, notwithstanding the veto of the president. A record of the proceedings of every meeting of the commission shall be kept in a well-bound book, and every resolution or ordinance passed by the commission must be recorded in such book, and the record

of the proceedings of the meeting shall be signed by the president of the commission, or by three commissioners before action shall be effective. Such record shall be kept available for inspection by all citizens of such city at all reasonable times. No ordinance of permanent operation shall be passed at the meeting at which it is introduced, except by unanimous consent, and such unanimous consent shall be shown by the aye and nay vote entered upon the minutes of such meeting, provided, however, that if the president of the commission and all the commissioners vote for the passage of the ordinance, and their names are so entered of record as voting in favor thereof, it shall be construed as giving unanimous consent to the action upon such ordinance at the meeting at which it is introduced.

Sec. 13. At the first meeting of the commissioners provided for by this act, they shall designate by a majority vote one of their number as president pro tem, who shall have all the authority, and discharge all duties that devolve upon the president of the said commission during the absence of the president on account of illness, or any other cause.

Sec. 14. No resolution, by-law or ordinance granting to any person, firm or corporation any franchise, lease or right to use the streets, public highways, thoroughfares, or public property of any city organized under the provisions of this act, either in, under, upon, along, through, or over same shall take effect and be enforced until thirty days after the final enactment of same by the board of commissioners and publication of said resolution, by-law or ordinance in full once a week for three consecutive weeks in some daily newspaper published in said city, which publication shall be made at the expense of the persons, firm or corporation applying for said grant. Pending the passage of any such resolution, by-law or ordinance, or during the time intervening between its final passage and the expiration of the thirty days during which publication shall be made as above provided, the legally qualified voters of said city may, by written petition or petitions addressed to said board of commissioners object to such grant, and if during said period such written petition or petitions signed by at least a thousand legally qualified voters of such city shall be filed with said board of commissioners, said board shall forthwith order an election, which shall be conducted by the election commission of such city, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in the said by-law, resolution or ordinance. In the call for said election, the said reso-

lution, by-law or ordinance making such grant shall be published at length and in full at the expense of the city in at least two newspapers published in said city by one publication. If at such election the majority of the votes cast shall be in favor of said ordinance and the making of said proposed grant, the same shall thereupon become effective; but if a majority of the votes so cast shall be against the passage of said resolution, by-law or ordinance and against the making of said grant, said by-law, resolution or ordinance shall not become effective, nor shall it confer any rights, powers or privileges of any kind, and it shall be the duty of the said board of commissioners after such result of said election shall be determined, to pass a resolution or ordinance to that effect. No grant of any franchise or lease or right of user, or any other right in, under, upon, along, through, or over the streets, public highways, thoroughfares or public property of any such city, shall be made or given, nor shall any such rights of any kind whatever be conferred upon any person, firm or corporation, except by a resolution or ordinance duly passed by the board of commissioners at some regular or adjourned public meeting and published as above provided for in this section; nor shall any extension or enlargement of any such rights or powers previously granted be made or given except in the manner and subject to all the conditions herein provided for as to the original grant of same. It is expressly provided, however, that the provisions of this section shall not apply to the grant of sidetrack or switching privileges to any railroad or street car company for the purpose of reaching and affording railway connections, and switch privileges to the owners or users of any industrial plant, store or warehouse; provided further that said side track or switch shall not extend for a greater distance than one thousand, three hundred and twenty (1,320) feet.

Sec. 15. In every city which shall become organized according to the provisions of this act, any person desiring to become a candidate at any election for the office of president of the commission, or commissioner, may become such candidate by filing in the office of the judge of probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate, or by a notary public, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty-one days before the day set for such election, and shall be in substantially the following form: "State of Alabama (.....County), I, the

undersigned, being first duly sworn depose and say that I am a citizen of the city of.....in said State and county, and reside at.....in said city; that I desire to become a candidate for the office of.....in said city for the term of.....years at the election for said office to be held on the.....day of October next; that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election. (Signed).....; Subscribed and sworn to before me by said.....on this.....day of.....19....., and filed in this office for record on said day.....Judge of Probate.

Sec. 16. Said statement shall be accompanied by a petition signed by at least two hundred persons, who shall be qualified to vote at said election, requesting that such person become a candidate for said office at said election. The signers to said petition shall set forth their names in full, and their residence addresses and said petition shall be in substantially the following form: "We, the undersigned, duly qualified electors of the city of.....and residing at the places set opposite our respective names, do hereby request that the name of.....be placed upon the official ballot as a candidate for the office of.....in said city for the term of.....years at the election to be held in this city on the.....day of October next. We further state that we know said.....to possess the qualifications necessary for said office (and to be in our judgment a fit and proper person to hold said office). Witness our hands on this the.....day of.....19....." At every such election all ballots to be used by voters shall be printed and prepared by the election commission and at the expense of said city, and shall contain the names of all candidates placed in alphabetical order directly underneath the words "For president of the commission" and "For commissioner" as the case may be. No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates, according to provisions as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission.

Sec. 17. The president and other commissioners provided for in this act shall be twenty-five years of age at the time of their election, and shall be duly qualified electors of such city and they shall be elected by the vote of the legally qualified voters thereof. In case any person after he shall have been elected and duly qualified as president of the commission, or commissioner, shall be declared ineligible to hold such office, a

successor shall be chosen, as in the case of vacancy caused by death, resignation or any other cause.

Sec. 18. Every person who shall be elected or appointed to the office of president of the commission, or commissioner, in any city organized, according to the provisions of this act, shall on or before the first Monday of November following his election, or on or before the following Monday of the month of his appointment, qualify by making oath that he is eligible for said office, and will execute the duties of same, according to the best of his knowledge and ability. Said oath may be administered by any person authorized to administer an oath under the laws of Alabama.

Sec. 19. The qualified voters of any city organized under the provisions of this act, may at any time file with the election commission of such city at any regular meeting thereof, a petition, or petitions asking for the resignation of the president of the commission, or any member of said commission. Such petition shall contain a general statement of the grounds upon which the removal of said officer is requested, and each signer shall add after his signature, and opposite thereto, his residence address. In case such petitions shall be signed by at least three thousand voters duly qualified to vote for successor to the officers sought to be recalled, a copy thereof shall be delivered to the city commission and the said officer or officers shall not, on or before the next regular meeting of said board resign from office, then said election commission shall immediately thereafter order an election to be held by the election commission not less than thirty days, nor more than forty days from date of said meeting, at which election a successor to such officer or officers to hold office for the unexpired term shall be voted for. At such election, the officer or officers sought to be recalled from office, shall be a candidate, and his or their name shall be placed upon the official ballot without any affirmative action on the part of such officer or officers. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper published in said city. The person who shall be elected to such office or offices, shall hold the same for the unexpired term thereof, and if the person or persons so elected be the incumbent whose removal has been requested, then he or they shall continue in office, as though such petition had not been filed, or such election held. Should no candidate at such election receive a majority of the entire votes cast under the provisions of this section, another election shall be held on the same day of the following week for such office or

offices, at which the two candidates for each office receiving the highest number of votes for said office, shall be voted for. The candidate or candidates receiving the highest number of votes at such election shall be declared elected. Should the provisions as to the recall of commissioners contained in this act, or should any other section or provisions thereof, be held to be void or unconstitutional, it shall not affect or destroy the validity of this act, or of any other section or provision hereof, which is not itself void or unconstitutional.

Sec. 20. Whenever any vacancies shall occur in the office of president of the commission, or other commissioner of any city organized under the terms of this act, then a successor to such president or commissioner shall be elected by the remaining members of the commission. Every person who shall be elected to fill any vacancy under the provisions of this section, or any other section of this act, shall qualify for office as soon as practicable after the result of such election is declared, and shall be clothed with the duties and responsibilities and powers of such office immediately upon such qualification, and he shall hold office for the unexpired term of his predecessor.

Sec. 21. The president of the commission of all cities organized under the provisions of this act, shall receive an annual salary of five thousand dollars, payable in monthly installments at the end of each month, and each commissioner of cities organized under the terms of this act, shall receive an annual salary of four thousand dollars, payable in monthly installments at the end of each month, said installments to be paid at the same rate for any portion of the month during which the president or commissioner shall hold office at the rate thus provided.

Sec. 22. The employees of cities organized under this act shall be selected by the commissioners solely on account of their fitness and without regard to their political affiliations. It shall be unlawful to hold party caucuses or primaries for the purpose of nominating any employee to be selected by such commissioners, and any person who shall solicit or accept a party nomination for any office to be filled by said commissioners, shall be thereby rendered ineligible for such office, or for any other office under said city for a period of one year thereafter.

Sec. 23. It shall be unlawful for any candidate for office, or any officer in such city, directly or indirectly, to give or promise any person or persons, any office, position, employment, benefit or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons. Every commissioner elected by popular vote in any such city,

shall within thirty days after qualifying, file with the judge of probate of the county, and the same shall be published at least once in a newspaper of general circulation in such city, his sworn itemized statement of all his election and campaign expenses, and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor, punishable by a fine of not more than three hundred dollars, and be a ground for removal from office.

Sec. 24. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for the city, and no such officer or employee shall be interested directly or indirectly, in any contract for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line or telephone exchange within the territorial limits of said city. No such commissioner or other official of such city shall be interested in or any employee or attorney of any corporation operating any public service utility within said city. No such officer or employee shall accept or receive directly or indirectly from any person, firm or corporation operating within the territorial limits of said city any interurban railway, railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, or telephone exchange, or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any gift or other thing of value, or any service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof, the guilty person shall be punished by a fine of not less than one hundred nor more than three hundred dollars, and may be imprisoned in the county jail for not more than ninety days. Every such contract or agreement shall be void. Such prohibition of free transportation shall not apply to policeman or fireman in uniform, nor to policeman in the discharge of their duty; nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section. Any officer or employee of such city, who, by solicitation, or otherwise, shall exert his influence, directly or indirectly, to influence other officers or employees of such city to favor any particular person or candidate for office

as president of the commission, or commissioner of said city, or who shall in any manner contribute money, labor or other valuable thing to aid in the election of any person as president of the commission, or commissioner of said city, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding three hundred dollars, and may also be imprisoned in the county jail for a term not exceeding thirty days.

Sec. 25. The commission shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city, and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspapers of the city and to persons who apply therefor. At the end of each year, the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures. And the Governor is authorized at any time to have all the books and accounts of such city examined by a State examiner of public accounts, the cost of such examination to be paid by such city upon the presentation to the president of the commission of such city, of a duly verified statement of such expenses made by such examiner of public accounts, approved by the Governor.

Sec. 26. Any person offering to give a bribe either in money or other consideration to any voter for the purpose of influencing his vote at any election provided in this act, or any voter entitled to vote at any such election, receiving and accepting such bribe or other consideration, any person making false answer to any of the provisions of this act, relative to his qualifications to vote at said election, any person wilfully voting or offering to vote at such election who has not been a resident of this State for two years next preceding said election, or who is not twenty-one years of age, or is not a citizen of the United States, or knowing himself not to be qualified voter of such precinct where he offers to vote, any person knowingly procuring, aiding or abetting any violation hereof shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned in the county jail for not less than ten nor more than ninety days.

Sec. 27. Any employee of any such city who solicits support for any candidate for commissioner, or any such employee who shall endeavor to influence any voter to vote for or against any candidate for commissioner, shall be deemed guilty of a misde-

meanor, and on conviction shall be fined not less than ten nor more than fifty dollars, and may also be imprisoned in the county jail for not more than ten days. Justices of the peace and judges of the inferior courts shall within their respective territories, have jurisdiction of this offense.

Sec. 28. All general laws of this State regulating and prescribing the conduct of municipal elections and the qualifications and registration of voters thereat, shall apply to elections hereunder, except so far as expressly modified herein.

Sec. 29. The judge of the probate court of the county in which are located the cities covered by this act, shall record in a well-bound book kept for that purpose, all papers required to be filed with him under the terms of this act, and shall receive therefor the compensation allowed by law for recording deeds.

Sec. 30. It shall be unlawful for any candidate for commissioner, or for president of the commission, or for any other person in his behalf, to hire or pay, or agree to pay, any person to solicit any votes at the polls in election, and unlawful for any person to accept such hire or make such contract for pay, to solicit votes for the president of the commission, or other commissioner; any person violating this section shall be guilty of a misdemeanor, and may be punished by fine not to exceed five hundred dollars for each offense, and the candidate violating this section shall thereby be disqualified for and rendered ineligible for the office sought.

Sec. 31. No candidate for the office of president of the commission, or other commissioner can lawfully expend more than one thousand dollars of his own funds, and the funds contributed by others, in aiding his candidacy in any one election, a run-off to be treated as a separate election. Any person violating the provisions of this section shall thereby be disqualified from holding said office, if successful, and his election may be contested on that ground.

Sec. 32. The petitions provided by this act may be by a number of separate instruments as well as by one instrument. No person but a qualified voter shall sign any petition provided for by this act. And no person shall sign the name of another to any such petition whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this section shall constitute a misdemeanor by a fine not to exceed three hundred dollars. No quali-

fied voter who has signed any petition provided for herein can withdraw his signature. All petitions provided for herein must bear the certificate of the judge of probate of the county in which such city is situated, that it has the number of signatures required by law of qualified voters, and it shall be the duty of said probate judge to hear and determine all questions as to the genuineness of signatures and the qualifications of voters signing such petition before giving such certificate; and such certificate of the probate judge shall be final and conclusive. Should said probate judge decide that any such petition was not signed by the required number of qualified voters, it shall be his duty to return said petition with the written statement of the details of its insufficiency to the persons presenting such petition, and such persons shall have ten days thereafter to have said petition signed as required by law, at the end of which time they shall again present such petition to the probate judge for re-examination. For his services in passing on any such petition, the probate judge shall receive from the person presenting such petition for his examination the cost of the clerical work incident thereto, and twenty per cent of such amount. Security for the payment of such costs must be given at the time of the presentation of such petition.

Sec. 34. Should vacancies exist simultaneously from any cause hereinbefore provided for in three commissionerships so as to leave no quorum of said board to fill the same, an election to fill said vacancies shall be called by the election commission to be held not less than twenty nor more than thirty days from the occurrence of the second vacancy. Notice of said election and of the time of holding same shall be given by one publication at least fifteen days in advance of the same in two or more newspapers published in said city at the expense of said city. The commissioners chosen at said election shall qualify as speedily as possible thereafter.

Sec. 35. This act shall become operative upon the passage of this act, and its approval by the Governor.

Sec. 36. That all laws and parts of laws, local, general or special in conflict with the provisions of this act, be and the same are hereby repealed.

Approved September 25, 1915.

No. 709.)

(S. 384—Kline.

AN ACT

To further regulate the relation of landlord and tenant, and contracts of hire with reference to agricultural lands.

Section 1. *Be it enacted by the Legislature of Alabama,* That in any case in which a tenant of farm lands shall fail or refuse, without just cause or excuse therefor, to prepare the land and plant his crops, or a substantial portion of such of the crops to be grown as are usually planted by that time, on or before May first, he may, at the election of the landlord, be required to surrender and vacate the rented premises, and upon making such election, and upon notice thereof to the tenant, the landlord may proceed to recover possession of the rented premises by an action of unlawful detainer.

Sec. 2. This act shall also apply to the owner of land and a person in possession thereof under a contract of hire as defined in section 4743 of the Code of 1907.

Sec. 3. All laws and parts of laws in conflict with this act are hereby repealed.

Approved September 25, 1915.

No. 711.)

(S. 902—Winkler.

AN ACT

To provide for the payment of a salary to the State purchasing agent.

Be it enacted by the Legislature of Alabama:

Section 1. That the State purchasing agent, provided for in an act of the Legislature, entitled an act "To provide for the purchase of blank books, stationery and office supplies, and material for use in and by the several State offices, bureaus, commissions, departments and boards other than the convict department and for the use of the Supreme Court, the Court of Appeals and the State and Supreme Court library," which act was approved September 10th, 1915, be paid a salary of six hundred dollars per annum, to be paid monthly out of the State treasury as other State officers are paid.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved September 25, 1915.

No. 712.)

(S. 545—Lusk.

AN ACT

To further prescribe and regulate the qualifications, number, designation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment.

Be it enacted by the Legislature of Alabama:

1. At the general election held in November, 1916, there shall be elected ten judges of the circuit court of the tenth circuit; three judges for the circuit court of the thirteenth circuit; two judges for the circuit court of the eighth circuit; two judges for the circuit court of the fourteenth circuit; two judges for the circuit court of the fifteenth circuit; two judges for the circuit court of the sixteenth circuit; and one judge for every other circuit in the State, all of whom shall hold office for the term of six years.

2. In circuits of more than one county having two judges, the judges may agree within thirty days after the date of their election which shall be the presiding judge, and, in the event they fail to reach such agreement within such time, that fact shall be certified by one or both of such judges to the chief justice of the Supreme Court of Alabama, who shall thereupon designate which of such judges shall be the presiding judge of the circuit, such agreement of designation to be entered upon the minutes of the court in each county constituting the circuit.

3. In circuits having three or more judges, the judges shall select one of their number who shall be called the presiding judge who may designate one of the judges to preside in his absence, and if the presiding judge does not designate a judge to preside, the other judges shall select one to preside in the absence of the presiding judge.

3A. In circuits composed of only one county for which more than three judges are provided, the judges shall be numbered first, second, third, fourth, and so forth, consecutively, so that each judgeship shall be designated by a number, and the judges shall be so designated on the ballot used in the primary and general election; provided, that where a branch or division of the circuit court of such circuit is held at a place other than at the county site, the judge who shall preside over that division as of course, shall, in addition to his number, be designated by the appropriate name of that division. The court of such circuits shall have three separate divisions, an equity division, a criminal division, and a law division; and the judge numbered one

shall sit in the equity division as of course, the judges numbered two and three shall sit in the criminal division as of course, and the remainder of the judges shall sit in the law division as of course; provided, that in such circuits where a branch or division of the circuit court is held at a place other than at the county site the judge numbered fifth shall sit in that division as of course, and he shall preside over such division in the trial of all cases, whether equity, criminal, or law provided, further, however, that all the judges shall have equal power, authority and jurisdiction, and the presiding judge or the judge who may be acting as presiding judge in his absence may designate any of the judges from time to time to sit in any division other than that in which he sits as of course, whenever more judges are needed in such other division to dispose of the business therein; and it shall be the duty of the judges by vote of the majority thereof to make rules which shall be entered in full on the minutes of the court as they are made or amended, defining the powers and duties of the judges in the several divisions, and other matters requiring special rules of court; and except in so far as every judge is authorized by the constitution to direct the issue of original writs, the several judges shall act in conformity with such rules. In circuits which have more than three judges, there shall be, in addition to the clerk and the register in chancery of such court, one assistant law clerk and one assistant criminal clerk, which said clerks shall, as of course, perform duties respectively in the law division and criminal division of such court, and in the absence of the clerk of said court shall exercise all the authority and perform all the duties of the clerk of said court. The provisions of this section shall not be construed to in any manner limit the number of deputies that may be necessary for the transaction of the business of such court. The salary or compensation of the assistant clerks in this section provided for shall be fixed and paid in the same manner and from the same source as are the salaries or compensation of the deputy clerks of such circuit court.

4. The presiding judge in circuits composed of one county shall on every Monday call all cases in which service has been had on the defendant for thirty days as provided by law, and shall, if no plea, special appearance, motion, or demurrer has been filed therein, render judgment by default.

5. The presiding judge may also grant all ex parte orders, or orders that are not resisted, and may draw and empanel all juries.

6. The presiding judge may hear all arguments on the pleadings in every case and when an issue is arrived at, must mark it "At issue" and order it placed on the proper docket for trial.

7. The presiding judge shall classify the cases and assign those of one class to one docket and those of another class to another docket, and shall assign all appeal and certiorari cases in which no jury is demanded, to the docket of cases to be tried without a jury, and shall take care to so arrange the dockets as that every judge may have a docket on which are enough cases to occupy his full time for the week, and that no more cases are set for any judge to try than he can probably try, or dispose of.

8. No case shall be set for trial, nor witnesses summoned therein, unless otherwise ordered by the court or judge, or provided for by rules of court spread on the minutes, until the pleadings have been settled; provided, however, this section shall not apply in circuits composed of only one county having two or more judges.

9. In order to expedite business the presiding judge may require other judges to hear the pleadings in cases assigned to them, and may assign to any of them the duty of drawing and empanelling the juries, while the presiding judge is otherwise engaged.

10. The presiding judge shall from time to time, as may be necessary, change the order of business as experience shows will expedite the transaction of the business of the court, and shall change the assignments of the different dockets to the judges to obtain the quickest dispatch of business, so that every judge shall do his full share of the work.

11. All cases in equity shall be entered on a separate docket, to be kept by a register to be appointed as provided herein, and all causes in equity, shall proceed, and be determined according to the rules and principles governing the proceedings in equity courts.

12. There shall be a register of the circuit court of each county to be appointed as follows: where there is only one judge of the circuit the register shall be appointed by such judge; where there are more judges than one, the presiding judge shall appoint the register. The register shall hold office for the term of the judge appointing him, but subject to removal at the pleasure of the judge by order entered on the minutes of the court; the register shall give bond in the sum, and payable, and conditioned as the bonds of registers in chancery are required on the date of the approval of this act; the register shall perform all the duties heretofore required of registers in chancery

by law; he shall have the power to render decrees pro confesso on any Monday in all cases in which service has been perfected; and shall be entitled to receive all the fees prescribed for registers in chancery; provided, that in circuits composed of only one county having three or more judges that the judge numbered first shall appoint the register in chancery.

13. There shall be empanelled in every county having less than fifty thousand population, not less than two grand juries in every year, and when they have completed their labors, in its discretion the court may permit them to take a recess subject to the call of any judge of the circuit court, or the supernumerary judge, or chief justice of the Supreme Court, and may be re-assembled at any place where the circuit court of the county is to be held. In all counties having over fifty thousand population, there shall be empanelled not less than four grand juries in every year.

14. All judges shall take care that every prisoner in jail shall have an opportunity to give bail, in cases in which the prisoner is entitled to bail, and may approve any bond presented to him, at any time, which in his judgment is reasonably good, and may in his discretion release on his own recognizance any prisoner charged with a misdemeanor.

15. The presiding judge shall exercise a general supervision of the judges, clerks, registers, bailiffs and sheriff, and see that they attend strictly to the prompt, diligent discharge of their duty.

16. Civil cases requiring juries or witnesses need not be set for trial during Christmas week. Any judge shall, whenever he deems it necessary, call on the chief justice of the Supreme Court to assign one or more judges to relieve the judges who need assistance in clearing the dockets, civil and criminal.

17. In counties having a population of more than fifty thousand the presiding judge shall have all appeals from any municipal court entered on a separate docket to be kept for such cases only, and it shall be the duty of the municipalities to furnish attorneys sufficient in number to attend to the prompt disposition of all such appeals, and to see that they are not allowed to accumulate.

18. That in all primary elections held for the nomination of candidates for circuit judges to be voted for at the general election to be held on the first Tuesday after the first Monday in November, 1916, all persons shall be entitled to participate and be eligible for nomination as candidates for circuit judge in such primaries who will be qualified electors of the circuit at

the time of such succeeding general election and who otherwise possess the qualifications prescribed by the Constitution and the laws of the State for circuit judges.

19. That it shall be the duty of the presiding judge, as far as practicable, to cause all appeals from the county courts, inferior courts, and municipal courts to be set and tried as preferred cases.

20. In circuits composed of one county and having two judges, the courts of said circuit shall be open for the transaction of business every day in the year except Sunday, days that have been declared holidays by the Legislature of Alabama, and such days as the court by order entered on the minutes shall designate. That said circuit shall be divided into two divisions to be known as the first division and the second division; and each of said divisions shall be presided over by one of the judges of said circuit. The judge receiving the highest number of votes in the general election shall be known as the presiding judge of said court, and shall preside over the first division of said circuit, and the other judge shall be known as the associate judge of said court, and shall preside over the second division of said circuit. If said judges shall receive the same number of votes in the general election, then the said judges shall agree over which division each shall preside, and shall enter an order to that effect upon the minutes of each division of said court. If unable to agree, this fact shall be certified to the chief justice of the Supreme Court of Alabama by either of said judges, and said chief justice shall thereupon designate which judge shall preside over each division, and this action of the chief justice shall thereupon be entered upon the minutes of each division, and shall have the force and effect of an order of said court. The judge of each division shall by an order entered on the minutes of the division, designate the day on which the docket of civil, criminal, and equity cases to be tried in the division over which each of said judges preside, shall be called; the days when the cases for trial with and without juries shall be called; the days when criminal cases shall be called for trial, and the days when the docket of equity cases shall be called, and may from time to time, as experience dictates, change the order or times when these dockets will be called; provided that no cases, except equity cases and criminal cases wherein the defendant is confined in jail, shall be tried during the months of July and August of each year. All civil and equity cases pending in said first division shall be called during the months of January, March, May, July, September and November of each year, at

such times as the judge of said division may designate; all civil and equity causes pending in the second division shall be called during the months of February, April, June, August, October and December of said year at such times as the judge of said division may designate, except as herein otherwise provided. The grand juries may be empanelled and criminal cases may be set for trial by the judges of either division at such times as he sees fit, and nothing herein shall be construed as limiting the time when the judge of either division may empanel the grand jury, or set for trial the docket of criminal cases pending in his division; and the judge of each division shall empanel not less than two grand juries in every year, and may, if he sees fit, empanel said grand juries during such months as his division is not open for the trial of civil and equity causes. Parties shall have the right to commence actions in either division of said circuit, and all actions shall be continued until finally disposed of in the division in which originally begun; provided, that by consent of the parties, any cause may be transferred from one division to the other.

21. If any section, clause, or provision of this act shall be declared invalid or unconstitutional, it shall not affect any other section, clause, or provision thereof.

Approved September 25, 1915.

No. 715.)

AN ACT

(S. 824—Denson.

To appropriate the sum of \$330.90 to reimburse certain members of Governor's staff and to relieve certain members of Governor's staff.

Section 1. *Be it enacted by the Legislature of Alabama,* That the sum of \$330.90 be and the same is hereby appropriated out of the general fund in the State treasury, not otherwise appropriated, to reimburse those members of the Governor's staff, who, acting under orders from the Governor, accompanied him to Washington, D. C., to attend officially and participate in the inauguration of President Woodrow Wilson on March 4, 1913, and who, by suit, have been required to return to the State of Alabama the money they paid out for their necessary expenses incurred in attending said inauguration; and that the auditor of the State of Alabama, upon this bill becoming a law, be and is hereby required to draw his warrant for the actual expenses of such members of the Governor's staff on the presentation to him of itemized sworn statement of such expenses.

Sec. 2. That those members of the Governor's staff who accompanied him under orders, to Washington, D. C., to attend officially and participate in the inauguration of President Woodrow Wilson on March 4, 1913, and who have not heretofore reimbursed the State of Alabama for their expenses which they have received from the State of Alabama, be and the same are hereby relieved from any liability to the State of Alabama on account of such expenses.

Approved Sept. 25, 1915.

No. 716.)

(S. 549—Lusk.

AN ACT

To amend section 5364 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That section 5364 of the Code of Alabama be and the same is hereby amended so as to read as follows: 5364. Charges moved for by the parties.—Charges moved for by either party must be in writing, and must be given or refused in the terms in which they are written; and it is the duty of the judge to write "given" or "refused," as the case may be, on the document, and sign his name thereto; which thereby becomes a part of the record, and charges which are given must be taken by the jury with them on retirement, and those refused must be retained by the clerk. The court shall after the conclusion of his charge to the jury read such written charges as he has given for the parties in a clear and audible voice, saying to the jury, "these are instructions given you by the court at the request of the plaintiff or defendant, as the case may be, and are correct statements of the law to be taken by you in connection with what has already been said to you." The refusal of a charge though a correct statement of the law shall not be cause for a reversal on appeal if it appears that the same rule of law was substantially and fairly given to the jury in the court's general charge or in charges given at the request of parties. In case of appeal the charges must be set out in the transcript in the following manner: 1. The charge of the court. 2. The charges given at the request of the plaintiff or the state. 3. The charges given at the request of the defendant. 4. The charges refused to the appellant. It shall not be necessary to set out the charges in the bill of exceptions or state therein that an exception was reserved to the giving or refusing of charges re-

quested, but it shall be presumed that each charge was separately requested and a separate exception reserved as to the giving or refusal thereof. Every general charge shall be in writing, or be taken down by the court reporter as it is delivered to the jury.

Approved September 25, 1915.

No. 718.)

AN ACT

(S. 528—Lee.

To amend sections 5957 and 5960 of the Code.

Be it enacted by the Legislature of Alabama:

1. That section 5957 of the Code be amended so as to read: 5957. That regular terms of the Supreme Court and Court of Appeals shall commence on the first Monday of October in each year and continue until and including the last day of June of the ensuing year; but the court may, in its discretion, adjourn from time to time.

2. That section 5960 of the Code be amended so as to read as follows: During the sitting of the court all cases at issue may be submitted at any time without oral argument by consent of the parties or upon ten days notice to the opposite party or his counsel of record, which notice shall specify the date upon which the case is to be submitted. The court may, in its discretion, permit oral argument at the time of such submission.

Approved September 25 1915.

No. 719.)

AN ACT

(S. 551—Lusk.

To amend section 3022 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

1. That section 3022 of the Code of Alabama be, and the same is hereby amended to read as follows: 3022. When bill established before a judge of the Supreme Court.—If the judge before whom a cause is tried, dies, resigns, is removed from office, or is out of the State, or the county in which the cause was tried, or from sickness is unable to accept a presentation and order a day for settling the bill, or his term of office expires

before the bill is presented within the ninety days the bill of exceptions may be filed with the clerk of the court where the case was tried, or if from those, or any other cause, such judge does not settle and sign a bill of exceptions duly presented to him, the bill of exceptions may be settled and established by or before the chief justice, or any one of the associate justices of the Supreme Court in manner following: If the bill is filed with the trial judge or the clerk of the trial court and is not settled and signed within the ninety days as prescribed in section 3019 of this Code, the same may then be presented to the chief justice, or any one of the associate justices of the Supreme Court within ninety days after such presentation to the trial judge, or clerk, and such chief justice or associate justice shall endorse thereon the true date of presentation to him, and fix a time and place for hearing the matter of settling and signing such bill and prescribe the notice to be given the counsel for the opposite party and on such hearing said chief justice, or associate justice, shall make an order establishing the bill of exceptions, as settled, and shall attach the same to such bill and date and sign the same, which must be within thirty days from the time presented to him, unless longer time be granted, and this shall be the bill of exceptions. Provided, however, where parties, or their attorneys agree on a bill of exceptions, the judge shall approve and sign the same immediately.

Approved September 25, 1915.

No. 720.)

AN ACT

(S. 506—Milner.

To provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors, prescribe their duties and authority, and fix their compensation.

Be it enacted by the Legislature of Alabama:

1. That at the general election to be held on the first Tuesday after the first Monday in November, 1916, there shall be elected in every judicial circuit in which there is no circuit solicitor residing, a solicitor for that circuit, who shall hold his office until the first Monday after the second Tuesday in January, 1919, and until his successor is elected and qualified. Provided that if in any circuit composed of only one county, there is no circuit solicitor residing at the time of the passage of this act, but there is a county solicitor or solicitor of a city court or

law and equity court who was elected at the general election in November, 1914, he shall be and become the circuit solicitor of said circuit on and after the first Monday after the second Tuesday in January, 1917, and shall hold office until the first Monday after the second Tuesday in January, 1919. In all circuits composed of only one county, and in which there are more than three judges, and in which the circuit court is held at the county site and at some other place in the county and the cases arising in a designated portion of the county are tried at a place other than the county site and the cases arising in the remaining portion of the county are tried at the county site, there shall also be elected by the qualified electors of that portion of the county wherein the cases arise that are tried at the place of holding the circuit court other than at the county site a deputy solicitor of such circuit who shall at the time of his election and during his term of office reside in the territory from which he is elected, and who shall hold office for the same term as the solicitors whose elections are provided for in this section, and who shall, in the absence of the circuit solicitor, discharge the same duties and exercise the same authority within the territory from which he is elected as if he were solicitor; and he shall receive a salary of twenty-four hundred dollars (\$2,400.00) per annum, payable out of the State treasury as the salaries of solicitors are paid; and who shall be under the supervision of the circuit solicitor of such circuit; and who may, when not engaged in the discharge of his official duties in the territory from which he is elected, perform the duties and exercise the authority of deputy or assistant solicitor in the circuit court held at the county site.

Sec. 2. That at the general election held on the first Tuesday after the first Monday in November, 1918, and every four years thereafter there shall be elected a solicitor for every judicial circuit in this State who shall hold office for the term of four years and until his successor is elected and qualified. In all circuits composed of only one county and in which there are more than three judges and in which a circuit court is held at the county site and at some other place in the county, and the cases arising in a designated portion of the county are tried at a place other than the county site and the cases arising in the remaining portion of the county are tried at the county site, there shall also be elected by the qualified electors of that portion of the county wherein the cases arise that are tried at the place of holding the said court other than the county site, a deputy solicitor of said circuit court, who shall at the time of

his election and during his term of office, reside in the territory from which he is elected and who shall hold office for the same term as a solicitor of such circuit, and who shall in the absence of the circuit solicitor discharge the same duties and exercise the same authority within the territory from which he is elected as if he were a solicitor and said deputy solicitor shall receive a salary of twenty-four hundred dollars (\$2,400.00) per annum, payable out of the State treasury as the salaries of solicitors are paid.

Sec. 3. Every solicitor elected under the provisions of this act shall perform all such duties and exercise all such powers as may be prescribed by law and receive an annual salary of two thousand four hundred dollars (\$2,400.00), payable monthly out of the State treasury; provided that in circuits that are composed of only one county and in which there are more than three judges the salary of the circuit solicitor shall be forty-five hundred (\$4,500.00) per annum, twenty-four hundred dollars (\$2,400.00) of which shall be paid out of the State treasury as other circuit solicitors are paid, and the remainder shall be paid out of the county treasury of such county in equal monthly installments on the warrant of such solicitor.

Sec. 4. The several circuit solicitors, except as otherwise provided by law, shall appoint a deputy solicitor in each county of his circuit to represent the State in all cases in the county court and inferior courts and all preliminary proceedings, applications for bail and habeas corpus proceedings in all courts, aid or act for the circuit solicitor before the grand jury and in all matters in the circuit court when requested to do so by the circuit solicitor, and perform all the duties of the circuit solicitor in his absence when so directed by the circuit solicitor, and such deputies may be removed by the circuit solicitor at pleasure. Provided, that where a county solicitor has been elected in any county in any circuit composed of more than one county and not more than four counties, he shall become the deputy solicitor of the county, and no deputy solicitor shall be appointed in such county until the expiration of the term for which such county solicitor was elected. Provided, that in counties in circuits composed of more than one county and not more than four counties, where there is now a county solicitor whose salary is paid by the county and who also acts, or who has acted, as solicitor for the law and equity court in said county, such county solicitor shall hold office as such county or deputy solicitor for the term for which he was appointed or elected, and shall receive the same compensation as is now provided by law to be paid by the

county; provided, that thereafter the deputy solicitor of such county shall be appointed by the circuit solicitor as herein provided. Provided, further, that in counties in circuits where there is now a solicitor of the law and equity court, and no circuit court prior to January 1st, 1915, the solicitor of said law and equity court shall be the deputy or county solicitor in said county until the first Monday after the second Tuesday in January, 1919, at a salary of eighteen hundred dollars (\$1,800.00) per annum, said salary to be paid by the county in the manner that deputy or county solicitors are paid as herein provided.

Sec. 5. There shall be paid out of the county treasury, except as herein otherwise provided, to the deputy solicitor of the county an annual salary, in equal monthly installments, of five hundred dollars (\$500.00) in counties having less than twenty thousand population, according to the last preceding Federal census; and in counties having twenty thousand population and less than thirty thousand, six hundred dollars (\$600.00); and in counties having thirty thousand and less than forty-five thousand population, nine hundred dollars (\$900.00); and in counties having more than forty-five thousand population and not exceeding seventy-five thousand population, twelve hundred dollars (\$1,200.00), which shall be in lieu of all fees or compensation allowed by law to such county solicitor, and the payment of said salary to be by warrant of the probate judge of the county drawn on the treasurer thereof, the population to be determined by the last Federal census preceding the time of the payment of the salaries. Provided, that in counties where circuit or county court is held at more than one place in said county the deputy solicitor shall receive an annual salary of seven hundred fifty dollars (\$750.00), payable in the same manner as other deputy solicitors are paid. Provided, however, that in circuits of more than one county and not more than three, and having two judges, and there is now a solicitor of the law and equity court in any such county who is receiving for his services fees for prosecuting criminal cases in such law and equity court, such solicitor shall, until the expiration of his present term, be the sole deputy solicitor of such county and during such time shall receive all solicitors fees paid into the county treasury on account of convictions that may be had in the county court of such county. And provided further, that in all counties not herein otherwise provided for, other than in circuits of five counties having two judges, in which there is now a law and equity court, or court of like jurisdiction having a solicitor whose term will not expire before the first Monday

after the second Tuesday in January, 1917, such solicitor until the expiration of his present term shall be the sole deputy solicitor for the county and shall receive as compensation for his services all solicitor's fees collected for convictions in the county court. The payment of all fees to be received by deputy solicitors hereunder shall be by warrant of the probate judge of the county, drawn on the treasurer thereof. Where an appeal is taken to the circuit court from a conviction in the county court and a conviction follows in the circuit court, the solicitors fee shall be paid to the deputy solicitor or into the county treasury, as herein provided. In circuits of one county having one judge and a population of 45,000 or more where there is now a county court or city court with the jurisdiction of a circuit court, and having a solicitor elected by the qualified electors of such county, whose term of office will not expire by the first Monday after the second Tuesday in January, 1917, such solicitor, until the expiration of his present term, shall be the sole deputy solicitor for the county and receive as compensation for his services all solicitor's fees collected for convictions in the county court; provided that such deputy solicitor shall not receive fees in excess of the salary he is now receiving as solicitor of the county or city court; and provided further that at the expiration of the time for which such county or city court solicitor, so acting as deputy solicitor, was elected to serve, the circuit solicitor in such circuits shall have the right to appoint a deputy solicitor whose salary shall be twelve hundred dollars (\$1,200.00) a year, paid by the county.

Sec. 6. In counties which alone constitute a circuit and which have less than forty-five thousand population according to the last or any subsequent Federal census in which there is only one judge, there shall be no deputy solicitor, but the circuit solicitor shall himself perform all the duties of circuit and county solicitor in such counties. In circuits composed of only one county and having two and not more than three judges the circuit solicitor shall receive an annual salary of \$3,600.00, \$2,400.00 of which shall be paid by the State, and the remaining \$1,200.00 shall be paid by the county in monthly installments upon the certificate of the president of the board of revenue, and the deputy solicitor shall receive an annual salary of \$1,800.00 per annum, \$1,200.00 of which shall be paid by the State, and the remaining \$600.00 shall be paid by the county on certificate of the president of the board of revenue. In circuits having more than three judges the circuit solicitor may appoint not exceeding three deputy solicitors who shall be paid the following

salaries: for the first deputy \$3,600.00 per annum, and for the other two \$2,400.00 per annum each; \$2,400.00 annually of the salary of the first deputy, and \$1,800.00 annually of the salary of each of the other deputies to be paid out of the State treasury as the salaries of the circuit solicitors are paid, and \$1,200.00 annually of the salary of the first deputy and \$600.00 annually of the salary of the other deputies to be paid out of the treasury of the county in monthly installments on warrants drawn on the treasurer by the circuit solicitor in favor of said deputies. In circuits composed of one county having three circuit judges, the board of revenue or court of county commissioners of each of said counties of the State shall supplement out of the revenue of such county the salary of the solicitor of such circuit so as to make the total annual salary of such circuit solicitor \$4,500.00 per annum to be paid monthly in equal installments, the idea and intention hereof being to empower and direct such board of revenue or court of county commissioners to pay out of the funds of the county in the same manner as the salaries of county officers or employees are paid to the solicitor for such circuit an amount necessary, when added to the salary paid said solicitor by the State, as herein provided for, to equal a salary of \$4,500.00 per annum. The treasurer of such county is hereby directed to honor and pay to the solicitor such amount as herein provided for. The amount herein supplemented shall be paid monthly in equal installments. Nothing in this act shall be construed so as to alter, change, or repeal any local law providing for an assistant solicitor in any county composing a judicial circuit with three circuit judges. In any county composing a judicial circuit with three circuit judges, where there is now an assistant solicitor, the local act creating such position as assistant solicitor is not repealed or altered by this act, but such act shall continue in full force and effect, and the provisions of this act relating to assistant solicitors or deputy solicitors shall not relate to or affect any county comprising one judicial circuit with three circuit judges; provided, however, that \$1,200.00 of the annual salary of such assistant solicitor as provided for in the local act creating the office shall be paid by the State, and the remainder of the salary of such assistant solicitor shall be paid by the county.

Sec. 7. For every conviction of a misdemeanor in the county courts or inferior courts there shall be taxed and collected as a part of the costs and paid into the county treasury the same solicitors' fees provided for convictions in such cases in the circuit court; and on appeal to the circuit court, the same shall

be taxed as a part of the costs in addition to the solicitors' fee taxed for such conviction in the circuit court, and this solicitors' fee previously taxed in the county court or inferior court, shall be paid when collected into the county treasury.

Sec. 8. That if any section, clause or provision of this act shall be declared to be unconstitutional it shall not be held to affect any other section, clause or provision but the same shall remain in full force and effect.

Sec. 9. This act shall, for the purpose of the election provided for herein to be held on the first Tuesday after the first Monday in November, 1916, take effect on its approval, and for all other purposes this act shall become effective on the first Monday after the second Tuesday in January, 1917.

Sec. 10. All general, local or special laws establishing the office of county solicitor or the office of solicitor of any court by whatsoever name called, except circuit solicitors, and all general, local or special laws in conflict with any of the provisions of this act are hereby expressly repealed; and all provisions of such local act or acts, as well as all of the provisions of all other local or special acts applicable to such county solicitor or solicitors of any court in such county, which are not in conflict herewith are hereby made applicable in all things to the circuit solicitor of the county where such local acts apply just as fully and to the same extent as they now apply to such county solicitor or the solicitor of any court in such county. Provided, however, that in circuits of one county having more than three judges and having a county solicitor elected by the qualified electors of the county, such solicitor shall until the first Monday after the second Tuesday in January, 1919, be the chief prosecuting officer of the county, and during such time continue to receive the same salary and from the same source as at the time and approval of this act, and exercise all the powers now conferred upon him by existing laws.

Approved September 25, 1915.

No. 721.)

(S. 315—Higgins.

AN ACT

To amend section 3317 of the Code of Alabama, 1907. Relates to the publication of receipts and disbursements, by counties.

Be it enacted by the Legislature of Alabama:

Section 1. That section 3317 of the Code of Alabama, 1907, be amended so as to read as follows: 3317. (962) (830) (750)

Publication of receipts and disbursements. It shall be the duty of the court of county commissioners to make a semi-annual publication on the first day of January and July of each year, on a newspaper published in the county, of an itemized report, showing the receipts and expenditures of money for the county, specifying particularly the sources from which received, and the purpose for which expended.

Sec. 2. That if the said commissioners court shall fail to make the said publication, as required by this act each member composing said court who votes against said publication, is hereby made subject to a penalty of fifty dollars to be collected by suit, and it is made the duty of the circuit or county solicitor to bring said suit, and prosecute the same, in the name of the county as plaintiff. Provided that the compensation to be paid for the publication herein provided for, shall not exceed one hundred dollars in counties of less than forty thousand population, according to the last or any subsequent Federal census.

Approved September 25, 1915.

No. 722.)

(S. 518—Lee.

AN ACT

To amend section 5359 of the Code.

Be it enacted by the Legislature of Alabama:

1. That section 5359 of the Code be amended so as to read: 5359. All civil cases at law, shall be tried and determined by the court, without a jury unless the plaintiff at the time of filing his complaint endorses thereon a demand for a trial by a jury or unless the defendant at the time of filing his initial pleading endorses thereon a demand for a trial by a jury. Either party to a cause tried by the court without the intervention of a jury, may present for review the finding of the court on the evidence, and the Supreme Court, or Court of Appeals shall review the same with no presumption in favor of the finding of the trial court on the evidence, and if there be error, shall render such judgment as the court below should have rendered, or reverse and remand the cause for further proceedings as the Supreme Court or Court of Appeals may deem right. The finding of the court on the evidence shall be subject to review without an exception thereto.

Approved September 25, 1915.

No. 723.)

(S. 515—Lee.

AN ACT

To amend section 5346 and repeal section 5347 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama, as follows:

1. That section 5346 of the Code of Alabama of 1907 be amended so as to read as follows: Section 5346: When the summons, writ of attachment, or other process has been executed on the defendant, or service perfected on him as required by law, either in term time or vacation, the defendant shall appear and plead, answer or demur thereto within thirty days, or be in default, and on motion of the plaintiff, judgment by default may be rendered against the defendant. The court may by rule entered on the minutes of the court prescribe the time and manner of calling cases for judgment by default.

2. That section 5347 of the Code of Alabama of 1907 be and the same is hereby repealed.

Approved September 28, 1915.

No. 724.)

(S. 525—Lee.

AN ACT

To regulate inferior courts in cities having more than 35,000 population, according to the last or any subsequent Federal census, to prescribe the jurisdiction of such courts, and provide for the number and compensation of the judges for such courts and to provide for the appointment and compensation of the clerks and assistant clerks thereof, and to abolish the office of justice of the peace in such cities.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That in all cities of the State of Alabama now having, according to the last or any subsequent Federal census, a population of 35,000 inhabitants or more, the offices of the justice of the peace of precincts lying within or partly within such cities, is hereby abolished and the jurisdiction exercised by such justices of the peace is hereby conferred upon the inferior courts or courts of common pleas created in lieu of the justices of the peace, which courts have heretofore been established in such cities whether with or without a jury trial, and whether a court of record or not.

Sec. 2. That such inferior courts or courts of common pleas, shall have jurisdiction in all civil matters, of which the justices of the peace have jurisdiction under the law in all precincts

lying within or partly within the limits of said city, wherein such court is established and jurisdiction concurrent with the circuit court of all misdemeanors, but shall try all persons charged with misdemeanors without a jury and shall not be a court of record; provided, however, that in cities of 100,000 population or more, according to the last or any subsequent Federal census, such courts shall not have jurisdiction of the violations of any prohibition laws.

Sec. 3. The judges of such inferior courts, or courts of common pleas, by whatsoever name such courts are named or called, shall, where there is more than one such judge in such said city, be paid an annual salary of \$2,400.00, and where there is only one judge in any such city shall be paid an annual salary of \$3,000.00, in monthly installments out of the county treasury, on warrants to be drawn by such judge; provided, that in all cities where there are three judges or more, the judge of said court oldest in the service shall receive an annual salary of \$3,000.00, payable in monthly installments, out of the county treasury, in the same manner as the salaries of other judges of said courts are paid.

Sec. 4. Each judge of such court may appoint a clerk for his division of court, who shall hold office at the will of the judge appointing him, and who shall exercise and perform all the duties and powers conferred and required by law of clerks of such courts and who shall give bond in the sum of \$2,000.00 conditioned and payable as the bond of clerks of the circuit court, which bond shall be recorded in the office of the judge of probate, and who shall receive a salary of \$1,500.00 per annum, payable in monthly installments out of the county treasury, by warrant drawn upon the certificate of the judge that such clerk has performed the duties of the office for such month.

Sec. 5. That the clerk of such court may with the consent of the judge, appoint a deputy clerk, should the business of the court justify, and such deputy clerk shall receive a salary of \$700.00 per annum, payable monthly out of the county treasury upon the certificate of the judge that he has performed the duties for such time, and that said deputy clerk may be either a male or a female; provided, that in any precinct within the jurisdiction of said court, in which there is at present an inferior court, which by the terms of the act creating the same, and by the provisions of this act, is abolished on the provisions of this act becoming effective, there shall be maintained a branch office of said court in which the deputy or assistant clerk, who shall be appointed by the judge of said court, and who shall hold

office at his will, and such deputy clerk or assistant clerk shall have and exercise all the rights, duties and powers pertaining to the office of the clerk of said court within said precinct, and such deputy or assistant clerk shall give a bond, conditioned and payable as the bond of clerks of said court, which bond shall be for the sum of \$1,000.00. Such deputy clerk shall draw a salary of \$1,000.00 per annum, in equal monthly installments payable out of the county treasury on the certificate of the judge of said court that he has performed the duties of the office.

Sec. 6. This act shall not affect the present term of office of any judge of any such court, and shall become effective at the expiration of the present term of the present incumbent, the successor or successors to the present incumbent or incumbents of such judgeship shall be elected at the time and in the manner prescribed by law for the election of successors of the judge of such inferior court or court of common pleas, or by whatsoever name the same is known and called, and the term of office shall be that now fixed for such judge; provided, however, that in any city affected by this act, where there is an inferior court established in lieu of the justice of the peace, which has jurisdiction in or over only one precinct, lying within or partly within such city, and the law now provides that the judge of said court shall be elected by the qualified voters of such precinct, and this act confers on said court jurisdiction in or over one or more adjoining precincts, then the judge of said court shall hereafter be elected at the time now provided by law by the qualified voters, of all the precincts in or over which said judge shall have jurisdiction and the election shall be held in the manner now provided by law for the election of such judge, except that provision shall be made by the duly constituted, lawful and proper authority for holding elections for the judge of such court in the additional precinct or precincts in or over which said court shall have jurisdiction, provided, further, that in any city where, by this act, jurisdiction in or over an adjoining precinct or precincts is conferred upon such inferior court created in lieu of the justice of the peace now having jurisdiction in or over only one precinct lying within or partly within such city, the judge of said court shall hold court at least one day of each week in each of said adjoining precincts, and the board of revenue of such county in which said court is located shall provide a suitable place in each of said precincts for holding court, provided, further, that the judge of said court shall be a qualified elector of one of the precincts in or over which said court has jurisdiction.

Sec. 7. Whenever no provision of law exists for the necessary services of sheriffs, deputies, constables or bailiffs, the judge of the court so situated may appoint a bailiff, who shall receive not exceeding \$60.00 per month for his services, to be paid out of the county treasury, and he may be removed at any time by the judge of such court; such bailiff to be paid monthly out of the county treasury upon the certificate of the judge that he has performed the duties entitling him to such payment.

Sec. 8. That judges of the inferior courts or courts of common pleas or by whatsoever name said court is called, shall be learned in the law, or shall have been judge of such inferior court or court of common pleas or a court created in lieu of justice of the peace by whatsoever name called.

Sec. 9. Appeals from judgments of the several inferior courts or courts of common pleas mentioned in this act may be taken within five days in the manner as appeals are taken from justice courts and county courts to the circuit court of the respective counties in which such courts are located, and all appeals taken as herein provided shall be tried *de novo* and be preferred cases in the circuit court; that no appeal shall be taken from any of said inferior court or courts of common pleas to the Supreme Court but only to the circuit court or court of like jurisdiction.

Sec. 10. The courts of county commissioners or boards of revenue in counties of over 100,000 population according to the last or any subsequent Federal census to which this act is now or may hereafter become applicable, may fix and provide a salary or salaries for such a number of deputy solicitors as they may deem proper to prosecute misdemeanors and preliminary investigations in such courts, and whenever said salary or salaries have been so fixed or provided, the chief prosecuting attorney of such county, whether he be county solicitor or circuit solicitor, shall, whenever notified thereof by the court of county commissioners or board of revenue of such county, appoint the number of deputy solicitors. The salary for whom had been fixed and provided by such board of county commissioners or board of revenue, which deputy solicitors shall at the time of their appointment and during their term of office, reside within one of the precincts within which he has been assigned to prosecute and whenever such a deputy solicitor has been provided as herein provided for, and shall be taxed as a part of the costs in each misdemeanor case prosecuted by him, the same solicitor's fees that are authorized to be taxed in such cases in the county courts of this State, which solicitor's fee shall be collected by

the clerk of such court and paid into the county treasury of such county.

Sec. 11. That the deputy solicitors in all counties having a population of more than 82,000 and not more than 100,000, according to the last or any subsequent Federal census, shall be and required to prosecute all cases before the inferior court when requested so to do by the judge thereof and upon conviction in such case there shall be taxed as a part of the costs in each case so, prosecuted by him the same solicitor's fee that is authorized to be taxed in the circuit court for like offenses and shall be collected by the clerk of such court and paid into the county treasury of such county.

Sec. 12. That in addition to the power and jurisdiction hereinabove conferred upon such inferior courts they shall have and are hereby given authority and jurisdiction to sentence to hard labor for the payment of fine and costs.

Sec. 13. That in any precinct in which justices of the peace are abolished and in which an inferior court created in lieu of the justices of the peace goes out of existence under the terms of the act creating said court at the same time this act goes into effect, the jurisdiction of said inferior court and all jurisdictions now vested in justices of the peace is hereby conferred upon that inferior court created in lieu of the justices of the peace, whose place of holding court on the first day of July, 1915, was nearest to any part of said precinct and in any precinct or precincts in which the offices of the justice of the peace and notary public, ex officio justices of the peace is abolished by this act, the jurisdiction of said offices is hereby conferred upon that inferior court created in lieu of the justices of the peace, whose place of holding court on the first day of July, 1915, was nearest to any part of said precinct or precincts and the jurisdiction of and for such precinct or precincts as hereinabove mentioned and any additional jurisdiction conferred upon inferior courts by this act for such precinct or precincts is vested in said inferior court and the provisions of this act conferring jurisdiction concurrent with the circuit court of all misdemeanors shall go into effect immediately upon the passage and approval of this act.

Sec. 14. That the provisions of this act relative to the appointment of deputy clerks and bailiffs of such courts where there is no deputy clerk or bailiff shall become effective upon the passage of this act.

Sec. 15. That if any section, clause or provision of this act shall be declared to be unconstitutional or held invalid, it shall

not be held to affect any other section, clause, or provision but the same shall remain in full force and effect. This act shall become effective on the first Monday after the second Tuesday of January, 1917, except as herein otherwise specially provided.

Sec. 16. All laws and parts of laws, general, special or local, in conflict with any of the provisions of this act be and the same are hereby repealed.

Approved September 25, 1915.

No. 725.)

(S. 546---Lusk.

AN ACT

To further regulate the practice and proceedings in the disposition of cases improperly brought as suits in equity or in the improper court, and to prescribe the manner of disposing of suits at law when an equitable question arises therein.

Be it enacted by the Legislature of Alabama:

Section 1. Whenever a bill in equity is filed on the equity side of the circuit court and a submission is had upon a demurrer thereto, or upon the pleadings and proof when a decree upon a demurrer has not theretofore been rendered and the judge before whom such submission is had is of the opinion that such bill is without equity for the reason that the complainant or plaintiff therein has an adequate remedy at law, the judge shall so state in his decree but shall not dismiss the bill, and shall direct in the decree that the cause be transferred to the law side of the court to which the same should have been originally brought, provided the county in which the cause is pending is the proper venue in which the remedy at law may be ascertained and determined. Upon the rendition of any such decree the clerk or register shall forthwith transfer the cause to the law side of the court and the same shall be docketed and proceed therein. Within thirty days after such cause has been so transferred the complainant or plaintiff shall make such amendment to the pleadings as may be necessary to convert the same from a bill in equity to an appropriate complaint at law, or, failing so to do within thirty days after the cause has been so transferred, the same shall be dismissed, and if the complainant or plaintiff desires a jury trial in the law side of the court he shall demand the same in writing within such thirty days as required by law; and after such cause has been so transferred and amended in the law side of the circuit court, the defendant shall plead or demur thereto within thirty days as required in actions at law or be in default, and if the defendant desires a jury trial in such

law side he shall demand the same in writing within such thirty days as required by law; and on an appeal from the final judgment in the cause the complainant or plaintiff may assign error on the judgment or decree of the court transferring the cause.

Sec. 2. Whenever it shall satisfactorily appear to a judge who is presiding in the law side of the court that a cause set for hearing before him presents an equitable question, the decision of which should dispose of the cause and which cannot be disposed of in the law side of the court, the judge may upon his own motion enter a judgment or order transferring such cause from the law side of the court to the equity side of the court, and the same shall be docketed therein and proceed in the equity side. Whenever an equitable right is claimed in any suit at law by a party who is plaintiff therein, such plaintiff may assert such right by a written motion filed in the cause which shall state the substance of the equitable right and be verified by the affidavit of some person having knowledge of the facts, and the legal sufficiency of such motion may be tested by demurrer and the facts alleged therein may be controverted by affidavit. If it satisfactorily appears to the judge hearing the same that such motion and proof sufficiently assert and show an equitable question or right, the decision of which should dispose of the cause and which cannot be disposed of in the law side of the court, he shall so state in his judgment or decree and shall direct therein that the cause be transferred from the law side of the court to the equity side of the court, and the same shall thereupon be docketed and proceed in the equity side of the court. If an equitable question, the decision of which should dispose of the cause and which cannot be disposed of in the law side of the court, depends upon the assertion of an equitable right or defense by a party who is defendant or an intervening claimant in such suit at law, such party may assert such right or defense by a written motion filed in the cause, which shall state the substance of the equitable right or defense and be verified by the affidavit of some person having knowledge of the facts, and the legal sufficiency of such motion may be tested by demurrer and the facts therein may be controverted by affidavit. If it satisfactorily appears to the judge hearing the same that such motion and proof sufficiently assert and show an equitable right or defense, the decision of which should dispose of the cause and which cannot be disposed of in the law side of the court, he shall so state in his judgment or decree and shall direct therein that the cause be transferred from the law side of the court to the equity side of the court, and the same shall thereupon be dock-

eted and proceed in the equity side of the court. Within thirty days after any such cause has been so transferred the plaintiff or complainant shall make such amendments to the pleadings as may be necessary to conform to the appropriate pleadings in equity court, or failing so to do within thirty days, the cause may be dismissed, in the discretion of the court; and the defendant in any such cause so transferred shall within thirty days after such amendment is filed, plead, answer or demur thereto as required by law or be in default. And on an appeal from the final judgment or decree in the cause error may be assigned on the judgment or order of the court transferring the cause by the party aggrieved thereby. The failure of any party to move or apply for a transfer of any cause as provided for in this act shall not be *res adjudicata* of any right of defense which could have been set up in any such motion or application.

Sec. 3. Whenever any cause on the motion or application of any party thereto, is transferred as provided for by this act, and the party moving for such transfer fails to establish or maintain the question, right or defense asserted by him and the cause cannot then be finally disposed of in the side of the court to which the same was transferred, the judge hearing the cause shall so state in his judgment or decree, but shall not dismiss the cause and shall direct in such judgment or decree that the cause be retransferred to the side of the court in which the same was originally filed and shall tax all the costs then accrued against the party who moved or applied for a transfer of the cause and failed to establish or maintain the question, right or defense asserted by him. When any cause is so re-transferred, it shall thereupon be docketed in the side of the court in which originally filed and proceed to final judgment or decree therein, and on an appeal from the final judgment or decree in the cause error may be assigned by the party aggrieved on the judgment or decree of the court re-transferring the cause to the side of the court in which the same was originally filed.

Sec. 4. Whenever it shall appear to any court of law or equity that any cause filed therein should have been brought in another court of like jurisdiction in the same county, the court shall make an order transferring the cause to the proper court and the clerk or register shall forthwith certify the pleadings, process, costs and order to the court to which the cause is transferred, and the cause shall be docketed and proceed in the court to which it is transferred, and the costs accrued in the court in which the cause was originally filed shall abide by the result of the suit in the court to which transferred.

Approved September 28, 1915.

No. 727.)

(H. 1644—Pruet.

AN ACT

For the relief of Mrs. S. A. Strickland, the widow of a Confederate soldier, by placing her name upon the pension roll in class two of Confederate pensioners.

Be it enacted by the Legislature of Alabama:

1. That the State auditor is hereby authorized and directed to place the name of Mrs. S. A. Strickland, a resident of Clay county, Alabama, the widow of a Confederate soldier, age seventy-seven, totally blind, having no property, and no children upon whom she can depend for support, upon the pension roll of this State, as a Confederate pensioner of the second class, and that she be entitled to all the rights and privileges of a pensioner of such class.

2. That the object and purpose of this act is to afford relief to Mrs. Strickland, whose first husband was a Confederate soldier, losing his life as a prisoner of war at Point Lookout, Maryland, and who by reason of her subsequent marriage to A. B. Strickland, a member of the home guard of Talladega county, was denied enrollment by the State board of pension examiners in August, 1915, although full proof was made of the foregoing facts.

Approved September 25, 1915.

No. 728.)

(H. J. R. 251—John.

HOUSE JOINT RESOLUTION

Relative to having the local acts printed and bound same as general acts.

Be it resolved by the House, the Senate concurring:

That the secretary of State be instructed to have the local acts of this session of the Legislature printed and bound in the same manner as the general acts are to be printed and bound in one volume.

Adopted by the House September 25, 1915.

Adopted by the Senate September 25, 1915.

No. 730.)

(H. 389—Carmichael.

AN ACT

To create a department of insurance for the State of Alabama; defining the duties and powers of such department; providing for the necessary officers for such department, defining their duties and powers; and vesting such officers with all the authority now exercised by any other officers pertaining to the insurance business in this State, thereby relieving such other officers of all duties and responsibilities relating or pertaining to the insurance business in the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created a department of insurance for the State of Alabama separate and distinct from the office of the secretary of State, and from any other department or office of the State of Alabama, and the department of insurance be, and is, hereby charged with the administration of all laws, now in force or, which may hereafter be enacted relating to insurance companies doing business in the State of Alabama.

Sec. 2. The chief officer of the department of insurance shall be known as the commissioner of insurance and shall be appointed by the Governor; the term of office of the commissioner of insurance shall be as follows: Within twenty days after the passage and approval of this act the Governor shall appoint a person of practical experience in the business of insurance as such commissioner of insurance; said commissioner of insurance shall hold office until the first day of July, 1919, and until his successor is appointed and qualified as hereinafter provided. On the first day of July, 1919, and every four years thereafter, the Governor shall appoint a person of practical experience in the business of insurance as commissioner of insurance who shall hold office for a term of four years from the first day of July of the year of his appointment and until his successor is appointed and qualified. In case of a vacancy in the office of the commissioner of insurance by death or otherwise, the Governor shall, as soon thereafter, as consistent with proper information, appoint some person of practical experience in the business of insurance to fill the unexpired term. Before entering upon the discharge of his duties, the commissioner of insurance shall subscribe to the constitutional oath of office, which shall be filed with the secretary of State, he shall give bond in some guaranty, or, surety company, qualified to do business in the State of Alabama in the sum of twenty-five thousand dollars (\$25,000); said bond to be approved by

the Governor and when approved to be filed in the office of secretary of State; the premium for said bond shall be paid out of the funds of the State upon a warrant drawn by the State auditor upon the State treasurer. The commissioner of insurance shall receive an annual salary of three thousand dollars (\$3,000) to be paid monthly as the salaries of other State officials are paid.

Sec. 3. The commissioner of insurance may appoint a deputy commissioner to assist him in the discharge of his duties; he shall receive an annual salary of two thousand dollars (\$2,000) to be paid as the salaries of other State officers and he shall be removable at the pleasure of the commissioner of insurance. The deputy commissioner shall give bond to the State of Alabama in a guaranty company as surety in the sum of ten thousand dollars (\$10,000) for the faithful performance of his duties; the bond to be approved by the Governor and filed with the secretary of State; and the premium, or payment, for the said bond shall be paid out of the funds of the State by the State auditor upon warrant drawn on the State treasurer. The commissioner of insurance may appoint a clerical assistant, in the department of insurance and the compensation of said clerical assistant, shall be one thousand dollars (\$1,000) per annum to be paid as the salaries of other State officers are paid. That a continual annual appropriation is hereby made to cover the salaries herein provided.

Sec. 4. The Governor of the State shall assign to the commissioner of insurance suitable rooms in the capital building for conducting therein the business of the insurance department, and this department shall be furnished with the necessary furniture, stationery, postage, lights and other proper conveniences in the same manner and way as is furnished to other State departments; provided, however, that the furniture and fixtures now in use by the secretary of State for the insurance department shall be assigned to the commissioner of insurance.

Sec. 5. The commissioner of insurance shall possess and have all the powers, and perform all the duties of supervision, regulation and control of the business of insurance in this State which powers and authority are now exercised and attached by law to the secretary of State of this State. And the commissioner of insurance shall exercise the same control over the insurance companies, their officers and agents, and shall collect from them all taxes, fees and penalties as now required by law, or may hereafter be required by law. The commission-

er of insurance shall have exclusive control, management and supervision of the department of insurance and shall be vested with the authority now conferred by law on the secretary of State and shall have full power and authority to do and perform all acts necessary to the carrying out and effectuating the purpose and ends for which the said department was created. And the secretary of State of this State is hereby relieved from any duties now, or hereafter, imposed upon the secretary of State by any law of this State in relation to the supervision, control, and regulation of the business of insurance, and of any duty imposed by law on said secretary of State as ex-officio insurance commissioner, and the commissioner of insurance is fully authorized and empowered from and after the date of his appointment and qualification as such commissioner of insurance to perform all duties now required, or that may be required, by law in relation to the supervision, regulation, and control of the business of insurance in this State.

Sec. 6. The commissioner of insurance is charged with the duty of the administration of all laws of whatsoever nature that are now provided by law to be administered by the secretary of State as ex-officio insurance commissioner.

Sec. 7. That all books, papers, letters and records belonging to the department of insurance now in the office of the secretary of State, shall be delivered to the commissioner of insurance immediately upon his qualifying under this act.

Sec. 8. The commissioner of insurance shall make settlements with the State treasurer as now or hereafter required by law.

Sec. 9. The commissioner of insurance shall be provided by the State of Alabama with an official seal. Every paper executed by him as commissioner of insurance in pursuance of any authority conferred on him by law, and sealed with his official seal, shall be received in evidence and may be recorded in the proper recording office in the State in the same manner and with the same effect as a deed regularly acknowledged or proven. And the commissioner of insurance shall collect the same fees, and charges, for the use of his official seal as is now collected by the secretary of State.

Sec. 10. The commissioner of insurance before granting certificates of authority to an insurance company to issue policies or make contracts of insurance, shall be satisfied, by such examination and evidence as he sees fit to make and require, that such company is duly qualified under the laws of this

State, to transact such business therein. At least once in every two years the insurance commissioner shall personally, or by his deputy, or some competent person appointed by him for that purpose visit each domestic insurance company and examine its affairs, especially as to its financial condition and ability to fulfill its obligations, and whether it has complied with the law. He shall make also an examination of any such company whenever he deems it prudent to do so, or upon request of five or more of the stockholders or persons pecuniarily interested therein, who shall make affidavit of their belief, with specifications of their reasons therefor, that such company is in unsound condition. Whenever he deems it prudent for the protection of policy holders in this State, and believes that any company authorized to do business in this State has violated any of the provisions of this article he shall, in like manner, visit and examine, or cause to be visited and examined by some competent person, or persons, he may appoint for that purpose, any foreign insurance company applying for admission or already admitted to do business in this State.

Sec. 11. For the purpose of such examinations the insurance commissioner may, when examining a company organized and incorporated under the laws of Alabama and herein designated and called a domestic company, call upon the Governor for the services of an examiner of public accounts, and the insurance commissioner may designate or appoint some qualified actuary and assistant to assist in such examination, and shall fix a reasonable compensation to be approved by the Governor for such actuary and assistant, upon a per diem basis to be paid by warrant of the State auditor drawn upon the State treasury. Hotel bills and traveling expenses actually incurred in connection with such examination, shall, upon proper vouchers therefor, be paid by the State on condition that the same shall have previously been charged to such insurance company and by it paid to the insurance department.

Sec. 12. When the commissioner of insurance deems it necessary to examine any insurance company organized under the laws of any other State or country, and herein designated and called "foreign company" such examination shall be made by the commissioner of insurance, his deputy, or such other qualified person, or persons, as the insurance commissioner may designate or appoint for such purpose. Any foreign insurance company examined under the provisions of this act shall pay the proper charges incurred in such examination, including the

expenses of the commissioner of insurance or his deputy, and the expenses and compensations of his assistants employed therein.

Sec. 13. For the purpose aforesaid, the commissioner or his deputy, or person making the examination, shall have free access to all the books and papers of an insurance company that relate to its business and to the books and papers kept by any of its agents, and may summon and qualify as witnesses under oath and examine the directors, officers, agents, and trustees of any such company, and any other persons in relation to its affairs, transactions and conditions.

Sec. 14. Any insurance company violating any of the provisions of this act or refusing to submit to the aforesaid examination when requested, shall forfeit its right to do business in this State for the next twelve months thereafter, and the insurance commissioner shall immediately revoke the license, if already issued, to said insurance company, to do business in this State.

Sec. 15. The provisions of this act shall go into effect immediately upon the approval of the Governor.

Approved September 25, 1915.

No. 732.)

AN ACT

(H. 43—John.

To amend sections 838, 839, 840, 841, 842, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 863, 868, 877, and 878 of the Code of Alabama, relating to "The Alabama Insane Hospitals."

Be it enacted by the Legislature of Alabama:

1. That section 838 of the Code of Alabama, be amended so as to read: 838. "The Bryce Hospital," located in Tuscaloosa county and "The Mount Vernon Hospital," located in Mobile county, named and established by law, for the care and treatment of insane persons in the State, are hereby continued under the management and control of the board of trustees of "The Alabama Insane Hospitals."

2. That section 839 of the Code of Alabama be amended so as to read: 839. The Governor of Alabama with the board of seven trustees now in office, and their successors, are hereby constituted a public corporation, under the name of "The Alabama Insane Hospitals" and shall have possession and control of all the real and personal property belonging to either hos-

pital, and that may hereafter be acquired in any manner; and shall have power to contract and sue, and have perpetual succession; and to have a corporate seal, which they may change; and have power to sell and convey any real property of the hospitals. The board of trustees shall have power to manage and control any other allied institutions, such as places for the care and treatment of inebriates, epileptics, harmless demented, the feeble-minded, and the like which may be at any time confided to them by law. All contracts to which "The Alabama Insane Hospitals" is now a party, or in which it is now interested, shall not be affected in any way by this amendment.

3. That section 840 of the Code of Alabama be amended so as to read: 840. The terms of office of the trustees shall be seven years each, and be so arranged that one term shall expire on the 30th day of September of every year. The terms of office of the seven trustees now constituting the board shall expire as follows: That of J. M. Foster, Montgomery, Ala., on September 30th, 1915; E. D. Bondurant, Mobile, Ala., on September 30th, 1916; Wm. M. Falk, Tuscaloosa, Ala., on September 30th, 1917; Sam'l Will John, Massillon, Ala., on September 30th, 1918; C. B. Verner, Tuscaloosa, Ala., September 30th, 1919; J. L. Williamson, Tuscaloosa, Ala., on September 30th, 1920; George H. Fonde, Mobile, Ala., on September 30th, 1921.

4. That section 841, of the Code of Alabama, be amended so as to read: 841. Upon the expiration of the term of office of a trustee, the board shall elect his successor for the next term; and in case the office of a trustee becomes vacant during his term, from any cause, the board shall elect his successor for the unexpired portion of his term. Four of the board shall be regularly licensed physicians. Three of the trustees shall reside near "The Bryce Hospital," and two shall reside convenient to "The Mount Vernon Hospital," who shall respectively constitute "resident committees" for those hospitals, to have frequent inspection of those institutions, and to manage such of their affairs as may be committed to them by the full board, or by law.

5. That section 842, of the Code of Alabama, be amended so as to read: 842. The trustees shall not receive any compensation for their services as trustees, except their traveling expenses while attending the meetings of the board, or while attending to any other business of the hospitals by the direction or request of the board.

6. That section 844, of the Code of Alabama, be amended so as to read: 844. The fiscal year of the hospitals shall end on

the 30th day of September every year. As near afterwards as practicable the board of trustees shall hold their "annual meeting" at "The Bryce Hospital," for at least two days, when they shall fully investigate the condition of the patients, and the household and business affairs of the hospitals. They shall print and send to the Governor a report of the conditions, wants, and interests of the hospitals, and a statement of the receipts and expenditures for the preceding fiscal year. When there is a regular session of the Legislature, their report shall, in a condensed way, cover the time between the regular sessions. A sufficient number of copies of this report shall be printed and distributed to the members of the Legislature.

7. That section 845 of the Code of Alabama, be amended so as to read: 845. The Governor of Alabama shall be, ex-officio, a member of the board of trustees and, when present, shall preside over their meetings. At their "annual meetings" in October, the board shall elect a vice-president and a secretary from their number, who shall hold office for one year; at any meeting the board may fill vacancies in the offices of the vice-president and secretary. In the absence of the Governor the vice-president shall preside and exercise all the functions of the president. The board shall adopt rules for their own government and the government of the resident committees and of the officers and employees of the hospitals.

8. That section 846, of the Code of Alabama, be amended so as to read: 846. The trustees shall hold a regular meeting at the Mount Vernon Hospital in April every year; and shall hold such other meetings at either hospital, or other place in the State, as the interests of the hospitals demand. Four members of the board shall be a quorum for transaction of business. The Governor, the vice-president of the board of trustees, or any three trustees, can call a meeting at any time or place, upon giving ten days notice to every member of the board, and stating in the call the objects of the meeting.

9. That section 847, of the Code of Alabama, be amended so as to read: 847. For the immediate management and government of the hospitals, the board of trustees shall elect a superintendent, determine his term of office, and fix his salary. In the discharge of his duties, the superintendent shall be the executive officer of the board and be held strictly accountable to them. The superintendent shall be a graduated practitioner of medicine and qualified in the specialty of caring for and treating the insane. He shall be a man of good moral character, of a humane disposition, of business qualifications and executive

ability. When his term of office has expired, he shall remain in office until his successor is elected and qualified. The superintendent may be removed from office by the board of trustees for just cause fully set forth on the minutes of their meeting. At the "annual meeting" of the board in October the superintendent shall make a report to the trustees of the preceding fiscal year, setting forth the movements of the population, the admissions of different classes of patients, the changes in management, the results of the work in the several departments, with statements from the treasurer and steward, showing the receipts and expenditures. The prevalence of insanity in the State and the cause of it may be topics for presentation in the report of the superintendent.

10. That section 848 of the Code of Alabama, be amended so as to read: 848. With the approval of the trustees, the superintendent may appoint an assistant superintendent at each hospital, to conduct the affairs of the hospital under his direction. He may authorize the assistant superintendent to select, with his approval, the assistant physicians, the internes, the supervisors, the nurses, and the attendants, and direct their duties in the medical department. The superintendent can also appoint at each hospital a manager to direct the outside work in the shops, yards, gardens, and fields, and to employ laborers in his department. The superintendent shall have the authority to remove or direct the removal, of any officer, or employee of the hospitals, who has been appointed by him.

11. That section 849, of the Code of Alabama, be amended so as to read: 849. With the concurrence of the resident trustees of each hospital the superintendent shall determine the salaries and rates of pay of the officers and employees of the hospitals, subject to the supervision and revision of the board.

12. That section 850, of the Code of Alabama, be amended so as to read: 850. The superintendent shall appoint a steward, who shall attend to the financial matters of both hospitals, pay the officers and employees and make purchases and sales. The steward shall keep accurate accounts of all the receipts and expenditures; he shall give bond, approved by the board, for the faithful performance of his duties in an amount determined by the board, and the board may, whenever it deems that the interest of the hospitals require it, have the steward to make a new bond, or change his bond. The superintendent can appoint the assistant superintendent, or other person, to assist the steward at the Mount Vernon Hospital. He shall perform such financial duties as shall be assigned him in matters not

convenient or practicable to be attended to from The Bryce Hospital office,—all of his duties shall be directed by the superintendent or steward.

13. That section 851 of the Code of Alabama be amended so as to read: 851. The trustees shall elect a suitable person in Tuscaloosa, not a trustee, as treasurer of the hospitals, and fix his term of office, compensation, and the amount of his bond. The treasurer shall be responsible for all money received for the hospitals from the State, and all other sources, when placed in his care. He shall keep accurate accounts of all his receipts and expenditures, as treasurer. He shall pay the drafts made on him by the steward, when approved by the superintendent. At the beginning of every month, the treasurer of the hospitals shall make drafts upon the State treasurer for the amounts due the hospitals, which drafts shall be countersigned by the superintendent. The treasurer may be removed at any time by the board of trustees; and his books and vouchers shall at all times be open to the inspection of any trustee. The board of trustees shall have authority to abolish the office of treasurer, and select, upon proper terms and conditions, a bank to serve as the treasury of the hospitals funds, whose duties shall be similar to those prescribed for the treasurer, and the board of trustees may select another bank as the treasury of the funds of the hospitals, as often as they see proper to do so.

14. That section 852 of the Code of Alabama be amended so as to read: 852. Access to the wards of the hospitals, to any department, or to the books and records, shall be granted to any trustee at any time. The board of trustees, or resident committee of either hospital, shall have the authority to "discharge" or turn at large "on trial," any patient at any time.

15. That section 853, of the Code of Alabama, be amended so as to read: 853. The insane hospitals shall be maintained and used solely for the care, treatment, and custody of such patients as have been committed to them as insane by a proper court. No other class of patients shall be admitted.

16. That section 854, of the Code of Alabama, be amended so as to read: 854. A person shall be adjudged "insane," who has been found by a proper court sufficiently deficient or defective mentally, to require that, for his own or others' welfare, he (or she) be removed to the insane hospital for the restraint, care, and treatment. Whether the person's mental abnormality is sufficiently grave to warrant such a procedure is always the question to be decided by the court.

17. That section 855, of the Code of Alabama, be amended so as to read: 855. When the insane hospitals are crowded, the superintendent, when he can make room for them, is authorized to limit his acceptances of applications for admission to those patients who are offensively troublesome, vicious, or a menace to the peace, comfort, or safety of others, or dangerous to their own welfare, and to decline those who are harmless or helpless. He may arrange with the probate judges to exchange harmless patients in the hospital for those who are dangerous.

18. That section 856, of the Code of Alabama, be amended so as to read: 856. Application in advance shall always be made by the court, to know whether there is room in the hospitals for the class of patient to be committed,—giving answers to the prescribed interrogatories describing the case,—and no patient shall be received into the hospital, who is not presented with a certificate from a proper court committing him (or her) to the institution.

19. That section 857, of the Code of Alabama, be amended so as to read: 857. When a relative, friend, or other party interested desires to place a person as a patient in one of the insane hospitals, he shall apply to the judge of probate of the county in which the person resides, and the judge of probate, without delay, shall investigate the case, by examining witnesses, or not, as he sees fit, and, if he is reasonably convinced that the case is a suitable one, he shall make application to the superintendent at Tuscaloosa for his, or her admission, and shall accompany his application with as full and explicit answers as possible to the following interrogatories, describing the case: 1. What in the person's name in full? Weight? Age? Sex? Postoffice? Occupation? Single or married? Race? Color? Where born? Names and addresses of correspondents? 2. How long has the person's mental abnormality existed? 3. Has the person epileptic convulsions? 4. Can his (or her) impaired mental condition be attributed to the injurious use of alcohol? or opiates? or tobacco? or any other drug? 5. Did the present condition begin suddenly? or come on gradually? 6. Has the person ever exhibited conditions of mental abnormality of any grade before this? 7. Has the person, because of mental deficiency or defectiveness, ever been confined in a poor-house? or a jail? Where was the person ever a patient in an insane hospital? When? 8. Is the person hard to control? What means of restraint have been used? 9. How does the person's insanity exhibit itself? What wrong ideas does he hold? 10. In what way is he (or she) troublesome or danger-

ous? Is he indecent in his talk, or habits? How is he (or she) uncleanly? How has he attempted to destroy property? How well does he attend to work? or to business? 11. What is the alleged cause of his insanity? 12. What near relatives of the patient have been wrong mentally? 13. Is the person deaf? dumb? blind? lame? maimed? paralyzed? or helpless? 14. How is he (or she) sick or diseased, otherwise than mentally so? How much confined in bed? 15. Will the person be an indigent, or a paying patient?

20. That section 863, of the Code of Alabama, be amended so as to read: 863. The judge of probate of each county, if his attention is drawn to it, shall investigate the financial standing of any indigent patient in the insane hospital, and, if he finds him (or her) able to pay for his (or her) support, shall contract with responsible parties under the proper bond for the support of the patient. The superintendent can grant that the quarterly amount, for the support of a paying patient, can be divided into three payments; one on the first of each month, in advance.

21. That section 868, of the Code of Alabama, be amended so as to read: 868. When in the opinion of the physicians of the hospital, patients are permanently restored to a normal, mental condition, they shall be allowed to leave the hospital, and be marked in the records as "discharged." When, in the opinion of the physicians, there is some question as to whether the recovery of patients will prove permanent, but they are sufficiently restored for their friends, relatives or others to properly and safely remove them, they can be allowed to go "on trial," and shall be so marked in the records. Patients "on trial," can be returned, if necessary, any time within six months, without additional committing papers. If they stay away from the hospital over six months, they shall be marked "discharged" in the record. No "discharged" patient can be returned without the same legal process, as if they had never been patients in the hospital.

22. That section 877, of the Code of Alabama, be amended so as to read: 877. No public road, railroad, or other highway, shall be established or projected over or through the lands of either hospital without the consent of the superintendent and the board of trustees, granted by resolution recorded in the minutes of the board.

23. That section 878, of the Code of Alabama, be amended so as to read: 878. For the support, maintenance, repairs, and improvements of the Alabama Insane Hospitals, a sum, regulat-

ed by the board of trustees, not to exceed three dollars and fifty cents a week, shall be paid, monthly, every year by the State, for every one of all the indigent and criminal patients, that the superintendent certifies were present in the hospitals on the last day of the preceding month. And the State auditor shall issue a warrant for that amount on the State treasury, payable to the treasurer of the hospitals on his draft or order, when countersigned by the superintendent. The Governor must provide for the prompt payment of all warrants drawn for the support of "The Alabama Insane Hospitals" and these warrants shall be preferred, in payment to all others drawn on the general fund in the treasury. Immediately after the expiration of the fiscal year, on September 30th, the Governor shall require an examiner of public accounts to examine and audit the accounts and books of the steward and treasurer of the hospitals and report thereon to the Governor, who shall send a copy thereof to the superintendent of the hospitals, to be laid with his report, before the board of trustees at their annual meeting.

Approved September 25, 1915.

No. 733.)

(H. 745—Davie.

AN ACT

To authorize courts of county commissioners, or boards of revenue and boards of mayor and alderman, or city commissoiners or other governing bodies of incorporated cities or towns in this State, to pay for advertising notice and substance of local bills introduced in the Legislature for the use and benefit of the said counties, cities or towns, where such notice is ordered published by any Representatives in the Legislature from the county, and such authorization, and direction to apply to all notices and substance of local bills introduced in the regular session of the Legislature, 1915.

Be it enacted by the Legislature of Alabama:

1. That courts of county commissioners, or boards of revenue, of all counties in this State, are hereby authorized to pay, at the regular legal rate, for the advertising of notice and substance of local bills, which may be introduced in the Legislature, for the benefit of their respective counties, or in reference to subjects or matters exclusively relating to county business or affairs, and boards of mayor and alderman, city commissioners or other governing bodies of incorporated cities or towns in this State, are authorized to pay for the advertising of notice and substance of local bills introduced in the Legislature exclusively for the benefit of their respective cities or towns, where

ordered published by any representative of the county in the Legislature.

Approved Sept. 25, 1915.

No. 735.)

(H. 1131—Wilson.

AN ACT

To make it unlawful for any municipality to charge the farmers or others engaged in the production of farm products of whatever nature, any license or fee, for the sale or other disposition of said articles produced by them, at any place.

Section 1. *Be it enacted by the Legislature of Alabama.* That from and after the passage of this act, it shall be unlawful for any municipality to charge the farmers or others engaged in the production of farm products of whatever nature, any license or fee, for the sale or other disposition of said articles produced by them, at any place.

Sec. 2. Be it further enacted that all laws or parts of laws in conflict herewith, are hereby expressly repealed.

Sec. 3. Be it further enacted that this act is to take effect as soon as approved by the Governor, the public welfare requiring it.

Approved September 25, 1915.

No. 737.)

(H. 1212—Hubbard.

AN ACT

To confer upon the trustees created by an act of 1911, approved April 18, 1911, for the government, regulation and control of the several white normal schools of the State of Alabama, the following additional powers: To acquire and hold the title to real and personal property for the benefit of the several normal schools each respectively; to exercise the right of eminent domain for the benefit of each such normal school respectively; to sell and convey the property held by the trustees for each such normal school respectively, or by the several normal schools themselves respectively; to borrow money for the benefit of each such school respectively and pledge as security therefor property held by the trustees for the benefit of such school for which said money was borrowed or held by such school itself.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby vested in the board of trustees created by the act of the Legislature of Alabama, approved April

18, 1911, for the government, regulation and control of the several white normal schools of Alabama the following additional powers, duties and authority: (a) To acquire by purchase, deed or otherwise and hold the title to real and personal property to be used for the benefit of any one of the State normal schools for whites in the State of Alabama, and in taking title thereto the deed shall be made to the trustees for the use and benefit of such schools for which the same is purchased or acquired, and the same shall be used, held and managed, sold or mortgaged as hereinafter provided, exclusively for the benefit of such school for which it is acquired; (b) To exercise the right of eminent domain to acquire the title to property, as provided by law, for the use and benefit of such normal school for whites in Alabama; and when so acquired the same shall be in all respects subject to the control of said trustees, but solely for the use and benefit of the school for which the same was acquired; (c) To sell and convey real and personal property which belongs to said trustees in trust, or which belongs to the several normal schools, either on credit or for cash, and use the proceeds of such sales for the benefit of that school for whose benefit the property sold has been held and possessed, and to execute such deed or deeds of conveyance to pass the title thereto as may be required by law, the same to be executed by the chairman of the board of trustees and attested by its secretary by authority of the trustees; (d) In their capacity as trustees for each separate school respectively to borrow money for each such school respectively of which they are trustees, and as security therefor to execute such lien, mortgage, or deed of trust, upon any property held by them for the use and benefit of the particular school for which the loan is obtained, or any property which is held and owned by the school itself for which the loan is obtained, and the execution of any such lien, mortgage or deed of trust as may be necessary to secure said loan shall be made by the chairman of the board of trustees and attested by the secretary. This section shall not be construed so as to empower any board of trustees to mortgage or place any lien of any kind on the school buildings, or the furniture and equipment therein, or on the land on which the school buildings stand, which power is hereby expressly withheld.

Sec. 2. That said board of trustees created by said act of April 18, 1911, be and are hereby declared to be the trustees of each normal school for whites in Alabama separate and distinct from each other normal school for whites.

Approved September 25, 1915.

No. 738.)

(H. 1333—Smith of Crenshaw.

AN ACT

To amend sections 1, 5, 7, 12, 13, 16, 18 of an act approved August 26, 1909, entitled an act to regulate the sale, giving away or other disposition of drugs, medicines or poisons in this State, and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away or other disposition.

Be it enacted by the Legislature of Alabama:

That sections 1, 5, 7, 12, 13, 16, 18 of an act approved August 26th, 1909, entitled "an act to regulate the sale, giving away or other disposition of drugs, medicines or poisons in this State and to provide for the creation of a board of pharmacy for service in connection with such sale, giving away or other disposition, be amended so as to read as follows:

Section 1. That from and after the passage of this act, it shall be unlawful for any person, not licensed as a pharmacist, within the meaning of this act, to conduct or manage any pharmacy, drug store, apothecary shop, or other place of business for the retailing, compounding of or dispensing of any drugs, medicines or poisons or for the physicians prescriptions, or to keep exposed for sale, or retailed any drugs, medicines or poisons, except as hereinafter provided, or for any person not licensed as a pharmacist or assistant pharmacist, within the meaning of this act, to compound, dispense or sell at retail any drug, poison or medicinal preparation upon the prescription of a physician or otherwise, or to compound physician's prescriptions, except as an aid to or under the supervision of a person licensed as a pharmacist, under this act, and it shall be unlawful for any owner of a pharmacy or drug store or the place of business, to cause or permit any other than a person licensed as a pharmacist, or assistant pharmacist, to compound, dispense, or sell at retail any drug, medicine or poison, except as an aid to or under the supervision of a person licensed as a pharmacist or assistant. Provided however, that nothing in this section shall be construed to interfere with any legally licensed practitioner of medicine, veterinary surgery, or dentistry, in the compounding or dispensing of his own prescription, nor with the exclusively wholesale business of any dealer, who shall be licensed as a pharmacist, or who shall keep in his employ at least one person who is licensed as a pharmacist; nor with the sale of poisonous substances which are sold exclusively for use in the arts, or for use as insecticides, when such substances

are sold in unbroken packages, bearing a label having plainly written upon it the name of the contents, the word poison, and the name of at least two readily obtainable antidotes. Provided further, that in a village of not more than eight hundred inhabitants, according to last census taken and authorized by an act of Congress of the United States or in towns where there is no person licensed as a pharmacist, the board of pharmacy hereinafter provided for, may grant to any person who is licensed as assistant pharmacist a permit annually to conduct a pharmacy or drug store in such town or village, which permit shall not be valid in any other than the place designated in said permit, of said village, as hereinafter provided for the recording of licenses. Provided, however, that nothing in this section shall be so construed as to apply to the sale of patent and proprietary medicines, or the ordinary household remedies, and such drugs or medicines as may be specified by said board of pharmacy, shall be permitted to be sold by those engaged in the sale of general merchandise or wholesale or retail groceries. Provided, further, that nothing in this section shall be so construed as to prevent any person, firm or corporation from owning a pharmacy, drug store, or apothecary shop, provided such store shall be in the charge of a licensed pharmacist. And provided further, that said board of pharmacy may grant to any legally licensed practicing physician in such towns, or villages of less than eight hundred inhabitants, an annual permit to conduct a pharmacy, drug store, or apothecary shop in such town or village, subject to the provisions of this act.

Sec. 5. Said board of pharmacy may issue license to practice as pharmacists, or assistant pharmacists in the State of Alabama, without examination, to such persons as have been legally registered or licensed as pharmacists or assistant pharmacists in other states or foreign countries, provided, that the applicant for such license shall present satisfactory evidence of qualifications equal to those required from licentiates in this State, and that he was registered or licensed by examination in other states or foreign countries, and that the standard of competency required in such other states or foreign countries is not lower than that required in this State, and provided also, that the board of pharmacy is satisfied that such other states or foreign countries accords similar recognition to the licentiates of this State. Applicants for license under this section shall, with their application forward to Secretary of said board of pharmacy the sum of ten dollars (\$10.00).

Sec. 7. Every certificate or license to practice as a pharmacist, and every permit to an assistant pharmacist, or other permit to conduct a pharmacy, drug store, or apothecary shop in towns or villages as provided in section 1 of this act, and every renewal of such license or permit shall be conspicuously exposed in the pharmacy, or store or place of business of which the pharmacist or assistant pharmacist, or physician to whom permit is issued, is the owner or manager, or in which he is employed. The name of the owner or responsible manager of every pharmacy, drug store, or apothecary shop, shall be conspicuously displayed upon the outside of such place of business.

All pharmacists now licensed, or hereinafter licensed by the board of pharmacy, shall be required to record within thirty days after the passing of this act, or within thirty days after the granting thereof, or in case of removal to another county, within thirty days after such removal, the license in the probate office of the county in which he practices his profession.

Sec. 12. Said board of pharmacy shall have power to, and it shall be the duty of the said board of pharmacy to investigate all alleged violations of this act, or any other law of this State regulating the dispensing or sale of drugs, medicines or poisons, or the practice of pharmacy, also it shall be the duty of the person or persons charged with the enforcement of the food and drug act of this State to take such samples and to prosecute any violations of the provisions of this act, under the direction of the board of pharmacy and whenever there has been a violation of said laws, it shall be the duty of said board to call all such violators and violations to the attention of the circuit or county solicitor of the county in which said violation is alleged to have occurred and to the person or persons charged whose duty it shall be, to prosecute for all violations of this act with the enforcement of the pure food and drug act.

Sec. 13. Said board of pharmacy shall be entitled to charge and collect the following fees: For the examination of an applicant for a license as pharmacist, ten dollars (\$10.00); for the examination of an applicant for a license as an assistant pharmacist, five dollars (\$5.00); for renewing a license of a pharmacist, an assistant pharmacist, or physician holding permit, one dollar (\$1.00); for issuing a life certificate to a pharmacist, ten dollars (\$10.00); for issuing a permit to an assistant pharmacist to conduct a drug store in town of not more than eight hundred inhabitants, one dollar (\$1.00); and one dollar (\$1.00) for such renewal thereof; all fees shall be paid

before any applicant may be admitted to examination, or his name placed upon the register of pharmacists, and assistant pharmacists, or before any license or permit, or any renewal thereof, may be issued by said board.

Sec. 16. Every proprietor, or manager of a pharmacy, drug store or apothecary shop, shall keep in his place of business a suitable book or file, in which shall be preserved for a period of not less than five years, the original or the copy of same, of every prescription compounded or dispensed at such store or pharmacy, numbering, dating and filing them in the order in which they are compounded, and shall produce the same in court, or before any grand jury, whenever lawfully required to do so. And upon request, the proprietor or manager of such store shall furnish to the prescribing physician, and may except when otherwise instructed by the prescribing physicians, furnished to the person for who such prescription was compounded, or dispensed, a true and correct copy thereof, and said book or file, shall at all times be opened for inspection by duly authorized officers of the law. Provided that no copies be given of prescriptions contained any of the substances included in section 14, of this act. Every proprietor, or manager of a pharmacy, drug store or apothecary shop, shall keep in his place of business the latest edition of the United States Pharmacopoeia and National Formulary.

Sec. 18. Whenever not being licensed as a pharmacist, shall conduct or manage any drug store, pharmacy or any other place of business for the compounding, dispensing or sale at retail of any drugs, medicines or poisons, or for the compounding of physicians prescriptions, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than \$25.00 (twenty-five dollars) nor more than \$100.00 (one hundred dollars) and each week or part thereof, that such drug store or pharmacy, or either place of business, is so unlawfully conducted, shall constitute a separate and distinct offense. Whoever not being licensed as a pharmacist or assistant pharmacist, shall compound, dispense or sell at retail any drug, medicine or poison, or medicinal preparation, either upon a physician's prescription or otherwise, and whoever being the owner or manager of a drug store, pharmacy, or place of business, shall cause or permit any one not licensed as a pharmacist, or assistant pharmacist to dispense, sell at retail, or compound any drug, medicine, poison, physician's prescription contrary to the provisions of

section 1 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars. Any license, or permit, or renewal thereof, obtained through fraud, or by any false or fraudulent representation shall be void and of no effect at law. Any person who shall procure by false or fraudulent representation for the purpose of procuring a license or permit, or renewal thereof, either for himself or for another shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars (\$100.00) and any person who shall willfully make a false affidavit for the purpose of procuring a license or permit, or renewal thereof, either for himself, or for another, shall be deemed guilty of perjury, and upon conviction thereof, shall be subject to like punishment as in other cases of perjury. Whoever being the holder of any license or permit granted under this act, shall fail to expose such license or permit; or renewal thereof, in a conspicuous position in the place of business in which such license or permit relates or in which the holder thereof is employed, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$5.00 (five dollars) nor more than \$25.00 (twenty-five dollars), and each week or part thereof that such license, permit or renewal shall not be exposed, shall be held to constitute a separate and distinct offense, and whoever being the holder of any license or permit, and without renewing the same, shall continue to carry on the business for which such license or permit was granted, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$10.00 (ten dollars) nor more than \$25.00 (twenty-five dollars). Any person who shall violate any of the provisions of section 7 of this act shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not less than \$10.00 (ten dollars) nor more than \$100.00 (one hundred dollars). Any person who shall violate any of the provisions of section 14, of this act, shall be deemed guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than \$25.00 (twenty-five dollars) nor more than \$50.00 (fifty dollars) and upon conviction for second offense, shall be fined not less than \$50.00 (fifty dollars) nor more than \$100.00 (one hundred dollars), and upon conviction for a subsequent offense, shall be fined not less than \$100.00 (one hun-

dred dollars) nor more than \$200.00 (two hundred dollars), and shall be sentenced to hard labor for the county for not more than six months, and if a licensed pharmacist, or assistant pharmacist, his license shall be revoked by said board of pharmacy. It shall be the duty under this act, of all judges at every term of their courts to charge all regularly empanelled grand jury to diligently inquire into and investigate all cases of the violations of any provisions of this act, and to make true presentment of all persons guilty of such violations. It shall be the duty of said board of pharmacy to cause the prosecution of all persons violating any provisions of this act. No prosecution shall be brought for the sale of any patent or proprietary medicine containing any of the drugs or preparations hereinbefore mentioned until said board of pharmacy shall certify that such medicine contains any of the said drugs or preparations in excess of the minimum percentage hereinbefore mentioned. Whoever shall violate any of the provisions of section 15 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$10.00 (ten dollars) nor more than \$25.00, (twenty-five dollars). Whoever shall fail to preserve the original of any prescription, or a true copy of the same, or to produce same when lawfully required, in accordance with the provisions of section 16 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$25.00 (twenty-five dollars) nor more than \$100.00 (one hundred dollars). Any person who shall conduct or manage any drug store, pharmacy, or apothecary shop, who shall fail to keep in his place of business, the latest edition of the United States Pharmacopoeia and National Formulary as provided in section 16, of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$5.00 (five dollars) nor more than \$25.00 (twenty-five dollars). Any person violating any of the provisions of section 17, of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than \$50.00 (fifty dollars) nor more than \$100.00 (one hundred dollars) for each offense. Whoever not being legally licensed as a pharmacist, apothecary, or any other title of similar import, shall take or exhibit the title of pharmacist contrary to the provisions of section 15, of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than \$10.00 (ten dollars) nor more than \$50.00 (fifty dollars).

Approved September 29, 1915.

No. 739.)

(H. 1363—Chamberlain.)

AN ACT

To amend section 718 of the printed Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That section 718 of the printed Code of Alabama of 1907 be so amended as to read as follows:

Section 718. That whenever the health officer of a county, city, or town, discovers a nuisance, or whenever complaint is made in writing to such health officer that a nuisance exists, such health officer shall, if the nuisance be in a municipality provided with ordinances for the abatement thereof, proceed in accordance with such ordinances, but if the alleged nuisance exist in a municipality not provided with ordinances fixing a method of procedure for the abatement thereof, or if the nuisance exist outside of the corporate limits of a municipality, the procedure shall be as follows: The health officer of such municipality, or of territory outside of the corporate limits of a municipality, shall thoroughly investigate the unsanitary condition discovered, or complained of, and should he reach the opinion that the condition constitutes a nuisance, he shall promptly order the person, or persons, responsible therefor to remove or abate the same at his, or their, own expense, and shall fix a reasonable time within which this shall be done. Should the person, or persons, so ordered refuse or fail to abate or remove the nuisance within the time fixed, or should such person, or persons notify the health officer of their refusal to abate or remove the nuisance, the health officer shall, as soon as can be done, request the chairman of the committee of public health of the county board of health to call a meeting of said committee, giving the members thereof ample notice of the time and place of meeting, for the purpose of determining the following things: (1) Whether or not the alleged nuisance is in fact a nuisance; (2) the method of abatement or removal, in case the alleged nuisance be declared in fact a nuisance; (3) whether the person alleged to be responsible for the nuisance is in fact so responsible. Due notice of the time and place of such meeting of the committee of public health shall be sent to the person, or persons, alleged to be responsible for the nuisance. A quorum of the committee of public health shall consist of not less than three members of said committee. In the event of a quorum not being present those members who are present shall adjourn to a date to be fixed by them, of which date the

members of said committee who were not present, and also the person, or persons, alleged to be responsible for the nuisance shall be duly notified. Whenever a quorum of the said committee is present the procedure shall be as follows: All evidence that may be offered, both for or against the alleged existence of a nuisance shall be received and all parties directly interested shall be heard in person, or by counsel, or both. At the termination of the hearing the said committee shall submit its opinion on the questions propounded, in writing, a copy of which shall be furnished by the health officer concerned to the person, or persons, alleged to be responsible for the nuisance. Should the opinion of the committee be that a nuisance does in fact exist, and that the person or persons, charged with responsibility therefor is, the person, or are the persons, responsible for its creation or maintenance, the health officer concerned shall prescribe the time within which the nuisance must be abated or removed and must so notify the person, or persons, responsible therefor. Should such person, or persons, refuse or fail to execute such order, the health officer concerned shall notify the court of county commissioners, or other board of like character, or the mayor and council, or other governing body of an incorporated town in which no ordinances exist fixing a method of procedure for the abatement of nuisances, as the case may be, whereupon, it shall be the duty of the court of county commissioners, or other board of like character, or of the mayor and council, or other governing body, of such town, as the case may be, to proceed forthwith to have the nuisance abated in the manner prescribed by the committee of public health, and shall be authorized to incur such expense as may be involved in such abatement. At the suit of said court of county commissioners, or of other board of like character, or of the mayor and council, or other governing body, of such town, in any court of competent jurisdiction, judgment may be rendered against the person or persons, responsible for the nuisance for the cost of abatement, the cost to be a lien on the property from which said nuisance was abated, provided that the person, or persons, responsible for said nuisance is, or are, the owner, or owners, of said property. In the event that the owner, or owners, of the property on which a nuisance exists be a non-resident, or non-residents, it shall be lawful to give notice to such person, or persons, to abate the nuisance by publication in a newspaper published in the county in which said property is situated once each week for two consecutive weeks, the cost of such publication to be assessed to such owner, or owners, and if not paid it

shall be considered as a part of the expense of abating the nuisance. The court of county commissioners, or other board of like character, or the mayor and council, or other governing body, of a municipality may grant a person, or persons, responsible for the expense incurred by such court of county commissioners, or other board of like character, or by the mayor and council, or other governing body of a municipality, in the abatement of a nuisance such time as may be deemed proper in which to repay such expense, any such extension of time shall provide for equal annual installments, not to exceed ten, for all deferred payments, such deferred payments to bear interest at the rate of five per centum per annum, payable annually, provided, however, that no municipality or county, shall not be required to pay more than \$300 in any one year for the abatement of nuisances, unless such municipality, or county, has legally voted to expend larger sums, in which event the municipality, or the county, may stipulate an additional amount which it will consent to expend.

Approved September 25, 1915.

No. 740.)

(H. 1602—Green.

AN ACT

To appropriate the sum of \$79.59 to be paid to Eliasberg & Bros. Mercantile Co., a corporation, in payment of debts due said corporation by the State of Alabama, for goods, wares and merchandise sold and delivered by said corporation in 1910 and 1911 to the convict department of the State, and for freight charges advanced by said corporation for the State, upon shipment of such goods, wares and merchandise to the said department.

Be it enacted by the Legislature of Alabama:

1. That there is hereby appropriated the sum of \$79.59 to be paid to Eliasberg & Bros. Mercantile Co. a corporation, in payment of debts due said corporation by the State of Alabama, for goods, wares and merchandise sold and delivered by said corporation in 1910 and 1911 to the convict department of the State, and for freight charges advanced by said corporation for the State, upon shipments of such goods, wares and merchandise to said department.

2. The appropriation herein made shall be paid out of the State treasury by warrant drawn by the State auditor upon the treasurer.

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director

of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due or should be paid and shall make an award in writing to the Governor as to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained is due or should be paid, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved Sept. 25, 1915.

No. 741.)

(H. 1624—Welch.

AN ACT

To provide relief for solicitors of courts of record, other than circuit solicitors, who have been prevented from performing the duties of their offices through illness or physical infirmities; to authorize and empower the boards of county commissioners, or county boards of revenue to pay such salaries where the same have not heretofore been paid.

Be it enacted by the Legislature of Alabama:

Section 1. That whenever any solicitor of a court of record, other than a solicitor of the circuit court was incapacitated from the performance of his duties by reason of illness or physical infirmities, that it shall be the duty of the board of county commissioners or the boards of revenue of such county wherein said court is located and holden to pay said solicitor, or in the event of his death from said illness or physical infirmities, then to his legal representatives, his salary for such time that he may have been prevented from the performance of said official duties at the same rate and in the same manner and out of the same funds as provided by law as if he did and was attending to his said official duties, said compensation to be for and during the term of his disability and which has not heretofore been paid and for none other; and that he shall be entitled to and receive said compensation, and in the event of his death, then his legal representatives, notwithstanding that during the illness of said solicitor a salary was paid to an acting solicitor.

Sec. 2. That the provisions of this act shall apply to the payments of all salaries or claims of solicitors, other than circuit solicitors, which may have accrued since July 1, 1907.

Approved September 25, 1915.

AN ACT

To prescribe the qualifications, duties and compensations of coroners, in counties of this State of two hundred thousand inhabitants or more, according to the last preceding Federal census or any subsequent Federal census.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That in counties of this State having a population of two hundred thousand or more or which may hereafter have a population of two hundred thousand or more, according to the last preceding Federal census or any Federal census hereafter taken, it shall be a necessary qualification for the office of coroner, that such person as may be elected to such office shall be a physician of good standing, licensed to practice medicine under the laws of the State of Alabama, provided, however, that this qualification shall not apply to assistants or employees of the coroner.

Sec. 2. That the duties of coroners in the class of counties described in section one of this act, shall be the same as is now prescribed by law.

Sec. 3. That such coroner shall receive for his compensation three thousand dollars per annum, payable in monthly installments, upon warrants issued by said county commissioners or boards of revenue, payable out of the county treasury.

Sec. 4. That such coroner may have such assistants, clerical force, conveniences, and facilities for transportation as may be determined by the county commissioners or boards of revenue of such counties, and such commissioners or boards shall fix and determine the amount of compensation to be paid such assistants or clerks, not to exceed one hundred dollars per month, to a chief clerk, or fifty dollars per month to an assistant.

Sec. 5. That such coroner shall have and exercise all the duties and powers now conferred upon coroner by law, and in addition thereto such coroner may delegate to his chief clerk or assistant authority to hold inquests and to perform any and all other duties of such coroner as fully and as effectually as he himself could do.

Sec. 6. That such coroner shall have no other or further compensation than the compensation named in section three of this act, and all fees and perquisites in any way belonging or appertaining to the office of coroner shall be paid by him into the county treasury of the county into a fund to be designated

as the coroner's fund, and the salaries and compensation and expenses of the coroner's office shall be paid out of such fund on the warrant of the board of revenue or county commissioners of such county in so far as and to the extent of said fund to pay the same, but if there should be at any time not sufficient money in said coroner's fund the compensation of the coroner and assistants and the expenses of such office shall be paid out of the general fund of the county in the amounts and to the extent of the insufficiency of the coroner's fund to pay the same.

Sec. 7. That all laws and parts of laws in conflict with this act, are hereby expressly repealed.

Approved September 25, 1915.

No. 745.)

(S. 533—Lee.

AN ACT

To provide for the appointment of an official court reporter by each circuit judge in Alabama; to fix their compensation, define their duties and provide for special reporters in certain cases.

Be it enacted by the Legislature of Alabama:

1. That each of the judges of the circuit court of this State is hereby authorized and directed to appoint a competent shorthand writer to perform the duties of official court reporter of their several circuits not otherwise provided with an official court reporter, but no two or more judges shall appoint the same court reporter; that no person shall be appointed official or special reporter under the provisions of this act who is not able to correctly report in short hand the proceedings in all trials as the same may occur, and neatly and expeditiously transcribe on the typewriter testimony taken by him; said official reporter shall be an officer of the court and within his circuit shall have the power to administer oaths and he shall hold office for the term of the judge appointing him but be subject to removal at any time at the pleasure of the judge.

2. It shall be the duty of such official court reporter to attend the sessions of the courts of the circuits of which he is official reporter in person except as herein otherwise provided, and to take full stenographic notes of the oral testimony and proceedings except arguments of counsel, in every case in such courts as the presiding judge shall direct or any party thereto may request to be reported, and must also note the order in which all documentary evidence is introduced; all objections

and rulings of the court thereon and exceptions which may be reserved thereto. The original notes taken by such official court reporter shall be preserved by him and shall be treated as a part of the records of said court and on his retirement from office shall be turned over to the respective clerks of the courts. He shall, when directed by the presiding judge, attend the grand jury in its investigations and take notes of the testimony before it as may be directed by the solicitor or foreman, which notes shall be filed with the clerk of the court where taken; he shall furnish within thirty days or such other time as the judge of the court may prescribe to any party to a cause reported by him demanding the same a typewritten transcript of his notes or any part thereof except proceedings in the grand jury upon the payment of a transcript fee of ten cents for each 100 words thereof, and for each additional copy to be made at the same time five cents for each 100 words thereof; that in all cases where directed by the presiding judge such official court reporter shall furnish one typewritten copy of the testimony and proceedings to be filed with the clerk of the court. He shall also in every case reported, unless otherwise directed by the court, within the time above provided, file with the clerk a typewritten copy of the oral charge delivered by the judge to the jury on the trial of the cause, no charges to be made for such copy.

3. Should the official reporter herein provided for on account of sickness or other cause, be unable to report the testimony of any trial as provided in this act, the judge of the court shall have authority to appoint a special reporter to serve until the official reporter can resume his duties in such court, the compensation of such special reporter to be the same and paid in like manner as herein provided for official reporters; provided, that in circuits having two judges or more the stenographer appointed shall, when not otherwise engaged in the discharge of his official duties, be subject to the direction of any judge of such circuit, it being the intention and purpose of this provision to avoid the necessity of appointing a special reporter whenever any regular reporter of the circuit is available.

4. That in all cases reported by any official reporter or special reporter, there shall be taxed as a part of the costs of the case a fee of five dollars for each day or fraction thereof that such reporter shall be engaged in reporting a case, to be collected as in other cases, and when collected paid by the clerk into the county treasury of the county in which the case is tried.

5. That such official reporter shall receive a salary of twelve hundred dollars per year, payable in monthly installments by the counties composing the circuits, each county to pay its prorata of such salary based upon the assessed taxed valuation of all property of such county for the preceding year; such payment to be made on certificates issued by the judge of the court in favor of such official reporter for the respective amounts due by the several counties each month, the same to be paid by the treasurer of each county out of the general funds thereof on presentation in the same manner as juror's certificates are now paid.

6. That before any official or special reporter shall enter upon the duties of his office he must subscribe to an oath to support the Constitution and laws of the State of Alabama and to faithfully perform all the duties of such office.

7. That all stationery and supplies to be used by such official or special reporters in their capacity as such shall be furnished and paid for by the county or counties composing the respective circuits in the manner provided for the payment of the salaries of such official and special reporters on requisition signed and approved by the judge of the court.

8. Any official or special reporter who charges more than the fees herein specified for making any transcript, shall be guilty of a misdemeanor, and upon such fact being made known to the judge appointing such official or special reporter shall be promptly removed.

9. In circuits having three circuit judges, each judge shall appoint one competent court reporter, each of such court reporters shall receive a salary of \$175.00 per month, to be paid by the county as provided for in this act as to other counties, and each and every provision of this act not in conflict with this section shall apply to such reporters. This salary shall be the only compensation to which such reporters shall be entitled to receive for any and all services rendered by this act. The fees to which said reporters would be entitled shall be charged by the clerk or register of the court and shall be collected by him and paid into the treasury of the county. The idea and intention hereof being to pay such reporter said salary and have the fees allowed herein charged and collected by the clerk or register and paid into the county treasury.

10. In judicial circuits having more than five judges, the judge or judges of criminal divisions of such courts are hereby authorized to each appoint and designate a competent court reporter to report the proceedings of any case pending in their

respective divisions, when the presiding judge of such division shall deem it necessary or proper to have such cases reported. The reporter so designated shall receive \$5.00 per day for his services while actually engaged in reporting the proceedings and shall receive ten cents per 100 words for the transcript when the judge or solicitor desires a copy of such transcript; said amounts to be paid out of the county treasury upon the certificate of the judge that the amount is correct.

11. That this act shall not apply to circuits composed of one county having two judges.

12. That if any paragraph, provision or section of this act shall be held or declared to be invalid or unconstitutional, same shall not affect any other paragraph, provision or section.

12½. That this act shall not apply to circuits having five or more judges except as to special reporters as provided for in section 10 of this act.

13. That all laws in conflict with the provisions of this act shall be expressly repealed.

14. That this act shall become effective on the first Monday after the second Tuesday in January, 1917.

Approved September 25, 1915.

No. 746.)

(S. 489—Milner.

AN ACT

To re-establish the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama in all counties wherein the same have heretofore been abolished, except in counties having a population of fifty thousand (50,000) or more according to the last preceding Federal census, and to define the power, jurisdiction and duty of all the county courts which are hereby re-established and of all the county courts which are provided for by article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama, and to prescribe the manner in which prosecutions for misdemeanors shall be begun, tried and determined therein and appeals taken therefrom, and to transfer all indictments pending in any county court to the circuit court of the county where found for trial therein, and to repeal all laws, whether local, general or special, in conflict with the provisions of this act.

Be it enacted by the Legislature of Alabama:

1. That the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama are hereby re-established in all counties of the State wherein such county courts have heretofore been abolished, except in counties having a population of fifty thousand

(50,000) or more according to the last preceding Federal census.

2. That the county courts which are hereby re-established and also the county courts which are provided for in article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama shall have original jurisdiction concurrent with the circuit court of all misdemeanors committed in their respective counties, and shall have and exercise all the power, jurisdiction and duty conferred upon county courts by article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama and shall be governed by all the provisions of article three (3) of chapter one hundred and ninety-eight (198) of the Code, except as otherwise prescribed by this act. Provided that in counties wherein circuit courts are held in two places for the trial of criminal cases the county court shall be held at the same places at the county site on the first Monday in each month and at the other place on the second Monday in each month.

3. That all trials or prosecutions instituted in all such county courts shall be begun upon affidavit and warrant as prescribed by section six thousand seven hundred and three (6703) of the Code, and shall be tried by the judge of such court without a jury as prescribed by section six thousand seven hundred and nineteen (6719) of the Code and the accused shall not have the right to demand a trial by jury as prescribed by section six thousand seven hundred and eighteen (6718) of the Code, but in all trials before such county courts the judge shall determine both the law and the facts without the intervention of a jury, and in cases of conviction the defendant shall have the right to appeal to the circuit court as provided for in section six thousand seven hundred and twenty-five (6725) of the Code, and the case appealed shall be tried therein as prescribed by sections six thousand seven hundred and twenty-five (6725) et sequiter of the Code, and a jury trial may there be had on demand of the defendant as prescribed by law.

4. That all indictments for misdemeanors returned by the grand jury of any county to the county court which is provided for such county by article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama, or transferred from the court in which the grand jury finding such indictment was empanelled to any county court which is provided for by article three (3) of chapter one hundred and ninety-eight (198) of the Code for trial therein, whether with or without a jury, are hereby transferred from the county court in which such indict-

ments are pending to the circuit court of such county, and the clerk of such county court shall forthwith deliver the same together with all papers and documents relating thereto to the clerk of the circuit court, and the clerk of the circuit court so receiving the same shall at once enter all such cases on the proper docket of the circuit court where they shall stand for trial as though originally filed therein.

5. That all laws, whether local, general or special, which provide for the trial of misdemeanors by a jury in any county court established or provided for according to the provisions of article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama be and the same are hereby repealed, and all laws whether local, general or special, which provide for or authorize the transfer of indictments for misdemeanors returned by grand juries from any criminal, city or circuit court to any county court which is established under article three (3) of chapter one hundred and ninety-eight (198) of the Code of Alabama for trial in such county court, whether with or without juries, be and the same are hereby repealed.

6. That all laws, whether local, general or special, in conflict with the provisions of this act be and the same are hereby repealed.

7. That if any section, clause or provisions of this act shall be declared to be unconstitutional it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

8. This act shall take effect on the first Tuesday after the second Monday in January one thousand nine hundred and seventeen (1917).

9. (1) For every conviction for a misdemeanor in the county courts or inferior courts there shall be taxed and collected as a part of the costs and paid into the county treasury the same solicitor's fee provided for convictions in such cases in the circuit court whether such judgment be paid in the county court or on appeal to the circuit court. (2) Also that in counties having a population of less than fifteen thousand according to the last or any subsequent Federal census in which there is a city or town other than where the court house is situated having a population of more than one thousand according to the last or any subsequent Federal census, the judge of the county court may hold regular and special terms of such court in such city or town whenever in his opinion the public convenience will be thereby subserved. (3) That in all counties having a population of more than twenty-six thousand and less than

twenty-six thousand one hundred according to the last United States census or any subsequent census, the judges of probate thereof shall be ex-officio judge of said court, and shall be paid out of the county treasury an annual salary in equal installment of nine hundred (\$900.00) dollars, which shall be in lieu of all fees and compensations allowed by law to such court or judge for services rendered in and about such court; the payment of such salary to be by warrant of such judge drawn on the treasurer of the county on the first of each month. That the circuit clerk of counties mentioned in this sub-division shall be ex-officio clerk of said court, and shall receive for his services therein the same fees as provided by law for similar services in the circuit court to be taxed as cost in each case. That the sheriff shall receive for his services therein the same fees as provided by law for similar services in the circuit court to be taxed as cost in each case.

Approved September 25, 1915.

No. 746.)

(S. 803—Denson.

AN ACT

To change the name of the railroad commission of Alabama to the Alabama public service commission, and to enlarge its authority, powers and jurisdiction.

Be it enacted by the Legislature of Alabama:

Section 1. That the name of the railroad commission of Alabama is hereby changed to the "Alabama Public Service Commission;" that all of the authority, rights, powers, duties, privileges and jurisdiction of the railroad commission of Alabama are hereby expressly conferred upon the Alabama public service commission as full as if so named in any laws of this State; that all actions and proceedings now or hereafter pending in the name of the railroad commission shall survive; and be continued and prosecuted by and in the name of the Alabama public service commission; and that no right, privileges, immunities or appropriations granted to or made in behalf of the railroad commission of Alabama shall merge, lapse or be lost by reason of such change of name, but shall be conferred, transferred, and imposed upon the Alabama public service commission.

Sec. 2. That the president and the two associate members now elected and serving as the railroad commission of Alabama, be and the same are hereby continued in their respective offices

until the expiration of their several terms, and they shall have and exercise all authority, rights, powers, duties, privileges and jurisdiction, now or which may hereafter be conferred by the law upon them as members of the railroad commission of Alabama, while acting under their new designation as president and associate members of the Alabama public service commission; and that no authority, rights, powers, duties, privileges, or jurisdiction now accorded to or exercised by the railroad commission of Alabama, shall be lost to the president and associate members of such commission by reason of the transfer of authority and change of name as herein.

Sec. 3. That in addition to any powers under the laws of this State, now conferred upon or exercised by the railroad commission of Alabama, the Alabama public service commission, upon which has herein been conferred all the authority, rights, powers, duties, privileges and jurisdiction thereof, shall have and exercise exclusive jurisdiction, supervision and authority over the rates and charges, with full power to regulate, supervise and control said rates and charges, of all street railway companies, telephone companies, telegraph companies, electric companies, gas companies, water companies, hydro electric or water power companies, heating companies, combination gas and electric companies, combination electric and water companies, combination electric and heating companies, combination electric, heating and gas companies, combination electric, heating, gas and water companies, operating or doing business for hire in this State, either as a person, firm or corporation, but nothing herein shall be construed as a regulation of or interfering with interstate commerce; provided that the provisions of this act shall not apply to municipally owned utilities. That the Alabama public service commission is charged with the duty of supervising, regulating and controlling of such persons, firms and corporations doing business as aforesaid in this State in all matters relating to their rates and charges, and of correcting abuses therein by such persons, firms or corporations. And the commission shall, from time to time, in the manner now, or that may hereafter be authorized by law, for prescribing and enforcing the rates and charges of railroads in this State prescribe and enforce against such persons, firms or corporation such rates and charges as may be reasonable and just, and shall require such persons, firms or corporations to establish and maintain such rates and charges as may be reasonable and just, which said rates and charges the commission may from time to time alter or amend; provided, that where the rates

or charges have been fixed or prescribed by statute the commission shall not have the power to increase such rates or charges; and provided further that nothing herein shall be construed to affect any valid subsisting contract now in existence; and provided further that nothing herein shall be construed to affect any future contract entered into by and between any municipality and such person, firm or corporation.

Sec. 4. That the Alabama public service commission shall have general supervision of all persons, firms, corporations, operating public utilities, mentioned in this act, shall inquire into the management of the business, and shall keep itself informed as to the manner and method in which the business is conducted. It shall examine such public utilities as often as may be necessary to keep informed as to their general condition, their franchises, capitalization, rates and other charges, and the manner in which their plants, equipments and other property are owned, leased, controlled, managed, conducted, and operated, not only with respect to adequacy, security and accommodation afforded by their service, but also with respect to their compliance with the provisions of this act and any other law or laws with the orders of the commission and with the character and franchise requirements. It shall assemble and keep on file, available for the use of the public, full statistics on the foregoing, as well as on all other matters or things connected with such utility as is necessary to a full knowledge of their business and affairs.

Sec. 5. All laws, general and special, expressly or impliedly in conflict with the provisions of this act are hereby expressly repealed, and this act shall take effect immediately upon its passage.

Sec. 6. That if any section or provision in this act be declared unconstitutional or invalid, that shall not affect or invalidate the remaining sections or provisions.

Approved September 25, 1915.

No. 747.)

(S. 904—Hill.

AN ACT

For the relief of the secretary of the Senate and the chief clerk in his office, and the assistant secretary of the Senate, the clerk of the House, the assistant clerk of the House, and reading clerk of the House.

Whereas, the Senate on the 17th day of July, 1915, did originate and adopt two resolutions Nos. 98 and 101, and in and by said resolution No. 98, it increased the per diem of Mrs. A. O. Barry, chief clerk in the office of the secretary of the

Senate, from four dollars to eight dollars per day; and in and by said resolution 101, it increased the per diem of J. A. Kyle, secretary of the Senate, from six dollars to ten dollars per day; and,

Whereas, the Senate originated and passed Senate bill 719 which was signed by the Governor on the 16th day of August, 1915, in and by which they were allowed eight and ten dollars per day respectively, from that date; and,

Whereas, they have been unable to draw their per diem for the extra four dollars per day from the said 17th day of July, 1915, the date of the adoption of said resolutions, to the said 16th day of August, 1915, the date of the Governor's signature to said Senate bill 719, and the State would be justly indebted to them in the sum of four dollars per day from the said 17th day of July, 1915, the date of the adoption of said resolutions, to the said 16th day of August, 1915, the date of the Governor's signature to said Senate bill 719; therefore,

Be it enacted by the Legislature of Alabama:

Section 1. The State auditor be and he is hereby directed to draw his warrant upon the State treasurer in favor of J. A. Kyle, secretary of the Senate, for one hundred twenty dollars. That said State auditor be and he is hereby further directed to draw his warrant upon the State treasury in favor of Mrs. A. O. Barry, chief clerk in the office of the secretary of the Senate, for \$120.00. That said State auditor be and he is hereby further directed to draw his warrant upon the State treasurer in favor of H. F. Reese, Jr., assistant secretary of the Senate for \$60.00. The State auditor is hereby directed to draw his warrant upon the State treasurer in favor of W. F. Herbert, clerk of the House, for \$120.00, and for J. Q. Adams, assistant clerk of the House, for \$60.00, and C. B. Brown, reading clerk of the House for \$60.00, in payment to them respectively for their services from the said 17th day of July, 1915, to the 16th day of August, 1915, the date of the Governor's signature to said Senate bill 719, as a balance due them for the extra per diem allowed them.

Approved September 25, 1915.

No. 749.)

(S. 878—Green.

AN ACT

To amend section 36 of an act "To create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," approved March 7, 1911.

Be it enacted by the Legislature of Alabama:

That section 36 of an act "To create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking, and to punish certain prohibited acts relating thereto," approved March 7, 1911, be amended so as to read as follows: Sec. 36. Any bank examiner, office assistant or superintendent of banks who shall knowingly and wilfully disclose the condition and affairs of any bank ascertained by an examination, or who shall knowingly and wilfully, except to the extent as authorized by law, report or give information as to who are depositors or debtors of a bank where such information is obtained by an examination of such bank, shall be guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred nor more than one thousand dollars. Provided, however, that the superintendent of banks, if he sees fit, may furnish to the Federal Reserve Board of the United States, copies of the reports of the bank examiners, and copies of the sworn statements of all State banks, which may become members of the Federal Reserve Bank system of the United States.

Approved September 25, 1915.

No. 749.)

(S. 437—Hartwell.

AN ACT

To amend sections four and ten of an act, approved April 8, 1911, and entitled: "An act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government and to amend said act by adding thereto section 31—a."

Be it enacted by the Legislature of Alabama:

1. That section 4 of an act approved April 8, 1911, and entitled "An act to provide and create a commission form of government and to authorize the adoption of the same in all cities

and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," be amended so as to read as follows: That whenever the commission form of government is adopted as herein provided, the mayor or other chief executive officer of such city in office at the time of such adoption shall become one of the commissioners herein provided for, and shall hold office as such commissioner until October 1st, of the year in which his term as mayor would have expired had such office remained undisturbed, provided, that if such expiration be in the same year as such adoption of commission government, the term of office of such commissioner shall extend to the first day of October of the next year. Within three days after the adoption of such commission form of government by such city as hereinabove provided the mayor or other chief executive officer thereof shall call an election for the purpose of electing two other commissioners for such city, which election shall be held on the first Monday after sixty days from the date of the election adopting the commission form of government, and not less than thirty days notice of the date and purpose of such election shall be given by the mayor or other chief executive of the city by advertisement at the expense of the city in some newspaper published in said city, if there be one, and if there be no newspaper then by posting notice at five public places in the city. At such election two persons who are qualified electors of said city shall be elected to hold office as commissioners of said city, one for a short term and the other for a long term and they, with the person who has become a commissioner by virtue of having been mayor, shall constitute the three commissioners of said city. The term of office of the commissioner who shall be elected for the short term shall expire on September 30th of the second year after the expiration of the term of office of that commissioner who be-

comes such by virtue of being mayor and the term of office of the commissioner who shall be elected for the long term shall expire on September 30th of the fourth year after the expiration of the term of office of that commissioner who becomes such by virtue of being mayor. The term of office of each commissioner elected after the first selection hereinabove provided for shall be for six years, beginning the 1st day of October of said year of his election, provided, however, that the term of office of the successor to any commissioner who was elected prior to the year A. D. 1915, and whose term of office shall expire September 30th, 1915, shall be for four years; that the term of office of the successor to any commissioner who was elected prior to 1915 and whose term of office shall expire September 30th, 1916, shall be for five years; that the term of office of the successor of any commissioner who was elected prior to the year 1915 and whose term of office shall expire on the 30th day of September, 1917, shall be for six years, and the successors of those commissioners whose terms of office shall expire 1919, 1920 and 1921, respectively, shall each be for six years from the first day of October in the year in which he was elected. All commissioners shall hold office until their successors are elected and qualified. The elections in this paragraph authorized, including the naming of candidates shall conform in all respects to the provisions and regulations hereinafter contained with respect to elections of commissioners.

2. That section 10 of an act approved April 8, 1911, and entitled: "An act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office, to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," be amended so as to read as follows: "Section 10. In every city which shall adopt, or shall have adopted, the provis-

ions of this act, an election shall be held on the second Monday in September of each year in which the term of office of a commissioner shall expire. Any person desiring to become a candidate for commissioner at any election which may be held under the terms of this act may become such candidate by filing in the office of the mayor of said city if at the first election of commissioners under this act, or with the commission at any subsequent election, a statement of such candidacy, accompanied by affidavit taken and certified by said mayor, or a member of said commission, or by a notary public, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be filed at least twenty days before the day set for such election, and shall be substantially in the following form: "State of Alabama,.....county. I, the undersigned, being first duly sworn depose and say that I am a citizen of the city of.....in said State and county and reside at.....in said city; that I desire to become a candidate for the office of commissioner in said city for the term ending September 30th, 19....., at the election for said office to be held on the.....day of.....; that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election. (Signed)..... Subscribed and sworn to before me by said.....on this the.....day of.....19....., and filed in this office for record on said day.....(style of officer)." Said statement shall be accompanied by a petition signed by such number of qualified electors of said city as equals or exceeds three per cent of the number of votes cast in the last preceding municipal election in said city, certifying that they have requested that such person become a candidate for said office at said election and requesting that his name be printed on the official ballot for such election. The signers to said petition shall set forth their names in full and their residence addresses, and said petition shall be substantially like the following form: "We, the undersigned, duly qualified electors of the city of....., and residing at the places set opposite our respective names, do hereby request that the name of.....be placed upon the official ballot as a candidate for the office of.....in said city for the term of.....years, at the election to be held in this city on the.....day of..... We further state that we know said.....to possess the qualifications necessary for said office and to be in our judgment a fit and proper person to hold said office."

Sec. 3. That the act approved April 8, 1911, the title to which is set forth in sections one and two hereof, be amended by adding thereto, after section 31, another section which shall be number 31-A and shall be as follows: '31-A.—Whenever an application shall be presented to the board of commissioners purporting to be signed by electors of the city then duly qualified to vote in the city, equal in number to at least twenty-five per centum of the entire number of voters who were duly qualified to vote in the last general municipal election held in said city for the purpose of electing a city commissioner, requesting that a certain ordinance, setting out the provisions thereof, be enacted into law by the board of commissioners of said city, it shall then be the duty of said board of commissioners to forthwith examine into the qualifications of the signers of said petition, and if it shall find that said petition does not contain twenty-five per centum in number of the entire number of voters who were duly qualified to vote in the last general municipal election for the purpose of electing a city commissioner it shall within ten days after the receipt of such petition, notify the persons presenting the same in writing of such fact, provided their names and addresses shall have been endorsed on said petition as the presentors of said petition, said presentors not to exceed ten, however, and thereupon the persons so presenting the said petition shall have ten days within which to secure additional signers to meet the deficiency pointed out by the said board of commissioners and in case of failure to secure any additional numbers that may be necessary within ten days, no further action shall be taken upon said petition by the said board of commissioners. If the said petition as originally presented is found by said board of commissioners of said city to contain the signatures of electors of the city then duly qualified to vote in the city, equal in number to at least twenty-five per centum of the entire number of voters who were duly qualified to vote in the last general municipal election held in said city for the purpose of electing a city commissioner, or if additional names shall have been secured thereto as hereinabove provided, to bring the total number of signatures of such voters up to said twenty-five per centum and said petition conforms to the other requirements of this act, then the said board of commissioners of said city shall within thirty days after receipt of said petition consider the said proposed ordinance, and if it fail or refuse to enact said ordinance into law within said thirty days after the receipt of said petition, it shall then be the duty of said board of commissioners to submit to a vote of the electors

of said city, either at a general election for commissioner of said city or a special municipal election to be held, such election in any case to be not less than sixty days nor more than seventy days from the date of the filing of said petition, the question of whether or not said ordinance shall become law. Notice of such election shall be given by publication once a week for three successive weeks in some newspaper, if any, published in said city, and if there be no such newspaper, then by posting notice of said election at five public places in said city at least twenty days before the date fixed for said election, and such election shall be held and the result declared in all respects the same as a general election for a commissioner of said city. At such election, the ballots shall be substantially in the follownig form: "Official Ballot" (Then shall follow a brief statement of the substance of said proposed ordinance). () For said ordinance. () Against said ordinance." Those in favor of the enactment of said ordinance into law shall so indicate by placing a cross mark within the brackets before the words "For said ordinance" and those who are opposed to the enactment of said ordinance into law shall so indicate by placing a cross mark within the brackets before the words "Against said ordinance." A separate ballot shall be prepared and used for each proposed ordinance. Should a majority of the votes cast in said election be in favor of the enactment into law of said proposed ordinance, then said ordinance shall become operative three days after the result of said election shall have been declared, but should a majority of the votes cast in said election be against said ordinance, then said proposed ordinance shall not become law by reason of said procedure.

Approved Sept. 28, 1915.

No. 750.)

(S. 400—Judge.

AN ACT

To define the manner by which incorporated social and literary societies or clubs may execute a mortgage or deed of trust upon their property.

Be it enacted by the Legislature of Alabama:

That social and literary societies or clubs heretofore incorporated, or that may hereafter be incorporated under article 18 of the Code of Alabama, 1907, be authorized to execute a mortgage or deed of trust upon any part or all of their real and personal property to secure the payment of any debt contracted or

for money to be borrowed, in the following manner: The central or general governing body of such corporation shall call a meeting of the members of such society or club and give ten days' notice of the time, place and purpose of such meeting to each member of said society or club whose residence is known, personally or by letter, properly addressed with postage prepaid and deposited in the postoffice of the city wherein said society or club is located, and also by publication once a week for two consecutive weeks in a newspaper published in said city. If at said meeting at least twenty-five members are present, a four-fifths majority of said members assembled may authorize the governing body to cause to be executed a mortgage or deed of trust upon all or such part of the property of said society or club as such majority may determine, such mortgage or deed of trust to be executed by such officer or officers as said governing body may direct.

Approved September 25, 1915.

No. 750 $\frac{1}{2}$.)

(S. 674—Lee.

AN ACT

To divide the State of Alabama into ten congressional districts.

Be it enacted by the Legislature of Alabama:

Section 1. The State is hereby divided into ten congressional districts as follows: The first district shall be composed of the counties of Choctaw, Clark, Marengo, Mobile, Monroe and Washington. The second district shall be composed of the counties of Baldwin, Butler, Conecuh, Covington, Crenshaw, Escambia, Montgomery, Pike and Wilcox. The third district shall be composed of the counties of Barbour, Bullock, Coffee, Dale, Geneva, Henry, Houston, Lee and Russell. The fourth district shall be composed of the counties of Calhoun, Chilton, Cleburne, Dallas, Shelby and Talladega. The fifth district shall be composed of the counties of Autauga, Chambers, Clay, Coosa, Elmore, Lowndes, Macon, Randolph and Tallapoosa. The sixth district shall be composed of the counties of Bibb, Green, Hale, Perry, Sumter and Tuscaloosa. The seventh district shall be composed of the counties of Cherokee, Cullman, DeKalb, Etowah, Blount, Marshall and St. Clair. The eighth district shall be composed of the counties of Colbert, Lauderdale, Lawrence, Limestone, Madison and Morgan and Jackson. The ninth district shall be composed of the county of Jefferson.

The tenth district shall be composed of the counties of Pickens, Fayette, Franklin, Lamar, Marion, Winston and Walker.

Sec. 2. Provided, however, that this act shall take effect on March 4th, 1917. But for the purposes of an election there shall be elected in 1916 a congressman from the 10th district and all other districts.

Approved September 25, 1915.

No. 751.)

(S. 760—Ellis.

AN ACT

To authorize and empower the county commissioners, boards of revenue, courts of county revenues or boards or courts of like powers and jurisdiction in counties of this State having a population of more than fifty thousand inhabitants and less than seventy-five thousand inhabitants according to the last preceding Federal census and constituting within themselves separate judicial circuits, to pay out of the funds of such counties to the judges of the circuit courts in such counties salaries supplementary and in addition to the salaries paid to such judges by the State.

Be it enacted by the Legislature of Alabama:

1. That the county commissioners, boards of revenue, courts of county revenues or other boards or courts of like powers and jurisdiction in counties of this State having a population of more than fifty thousand inhabitants and less than seventy-five thousand inhabitants according to the last preceding Federal census and constituting within themselves separate judicial circuits at the time this bill goes into effect be and they are hereby authorized and empowered to pay to the judges of the circuit courts in such counties salaries supplementary and in addition to the salary paid by the State to such judges.

2. That this act shall be and become effective and go into force from and after the first day of January, 1917.

Approved September 25, 1915.

No. 752.)

(S. 894—Judge.

AN ACT

To amend an act entitled "An act to fix the time of electing the successor to the commissioner whose term of office expires during the year 1915, in all cities having a population of one hundred thousand or over according to the last or any subsequent Federal census, approved August 16th, 1915."

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "an act to fix the time of electing the successor to the commissioner whose term of office expires during the year 1915, in all cities having a population of one hundred thousand or over according to the last or any subsequent Federal census, approved August 16th, 1915," be and the same is hereby amended so as to read as follows: "That in all cities of the State of Alabama having a population of one hundred thousand or over according to the last or any subsequent Federal census that the successor to the commissioner whose term of office expires during the year 1915 shall be elected at an election to be held on the second Monday in October, 1915."

Sec. 2. That all laws in conflict with this act are hereby repealed.

Sec. 3. This act shall take effect immediately after its passage.

Sec. 4. In case no candidate shall receive a majority of all votes cast for such office another election shall be held on the same day of the following week for said office at which the two candidates receiving the highest number of votes for such office shall be voted for and the candidate receiving the highest number of votes at said second or run-off election shall be declared elected.

Approved September 28, 1915.

No. 754.)

(S. 905—Cooper.

AN ACT

To provide for a taxation of the capital stock of building and loan associations.

Be it enacted by the Legislature of Alabama:

That building and loan associations shall pay annually a privilege tax in lieu of all other taxes on the capital stock at the rate of sixty cents per one thousand dollars on the amount actually paid in on the capital stock. Be it further enacted, That all laws in conflict herewith be and the same are hereby repealed.

Approved September 28, 1915.

No. 755.)

(S. 870—Judge.

AN ACT

To provide for the appointment of bailiffs of courts in circuits composed of only one county and having four or more judges.

Be it enacted by the Legislature of Alabama:

Section 1. That in all circuits of the State of Alabama composed of only one county and having four or more judges the bailiffs of such court shall be appointed by the judges of such court. Each judge of such court to appoint the bailiff or bailiffs who act in the court over which such judge presides.

Approved September 28, 1915.

No. 757.)

(S. 259—Denson.

AN ACT

To authorize the courts of county commissioners, boards of revenue, or like officers of each county of the State of Alabama to pay for the improvements or constructing of public roads, public highways, bridges, crossways, culverts, viaducts or other public improvements which may have been heretofore ordered made by such court of county commissioners, board of revenue, or within any municipality within their county, and which remains unpaid because such court of county commissioners, board of revenue, or like officers had no authority to order such improvements, or for any other reason.

Be it enacted by the Legislature of Alabama:

Section 1. That the courts of county commissioners, board of revenue or like officers of each county of the State of Alabama are hereby authorized to pay out of the general funds of the county, for any improvements or construction of any public roads, public highways, bridges, crossways, culverts, viaducts or other public improvements which may have been before the passage of this act, ordered by such court of county commissioners, boards of revenue, or like officers or their predecessors, in their respective county or within any municipality within their county, and which still remains unpaid, because such court of county commissioners, board of revenue, or like officers, or their predecessors had no authority to make such improvements, or which remains unpaid for any other reason. Provided that nothing herein shall be construed to authorize payment of such warrants hereafter issued. That only such warrants as have heretofore been issued and the court or board shall pass an order setting forth the fact that such warrants

have been issued in good faith and that the county has received the benefit thereof.

Sec. 2. That all laws and parts of laws in conflict with this act are hereby expressly repealed.

Approved September 28, 1915.

No. 759.)

(S. 298—Bulger.

AN ACT

To ratify and confirm the contracts and agreements made by Governor Emmet O'Neal during his administration as Governor for employment of special counsel for the State and the payments made for and on account thereof, and to provide for the payment of such services as have been rendered, and for which, payment has not been made.

Section 1. *Be it enacted by the Legislature of Alabama,* That the contracts and agreements made by Governor Emmet O'Neal during his administration as Governor of the State, for the employment of special counsel to represent the interests of the State in civil and criminal proceedings, and in other proceedings and transactions in which the interest of the State was involved, and for the payment of fair and just compensation for services performed by counsel thereunder and the payments, in whole or in part, heretofore made by the treasurer for or on account of any such contracts or agreements, be and the same are hereby ratified and confirmed, and the treasurer is hereby authorized and directed to pay to such counsel any sum or sums due and owing him or them for such services as have been performed by them and for which they have not been paid; such payment or payments to be made out of the general funds of the treasury not otherwise appropriated, on the auditor's warrant drawn upon the certificate or requisition of the attorney general. That there is hereby created a commission composed of the Governor, attorney general, auditor, treasurer and director of the department of archives and history to pass upon and determine the just and proper amount due the persons named in this bill and they are authorized to hear evidence, and may award such sum to the several persons named for services mentioned by a written award for an amount not exceeding amounts heretofore claimed, and on such award and on order of the Governor the auditor shall issue his warrant for such amount as may be so awarded and ordered paid.

Approved October 2, 1915.

No. 762.)

(S. 762—Cooper.

AN ACT

To protect dipping vats within the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That any person who unlawfully, negligently or intentionally injures, destroys or attempts to injure or destroy any dipping vat, not his own within the State of Alabama shall be guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars, and may also be sentenced to hard labor for the county for not more than twelve months at the discretion of the jury.

Sec. 2. That all laws, or parts of laws, in conflict with the provisions of this act be and they are hereby repealed.

Sec. 3. That this act shall become effective immediately upon its approval by the Governor.

Approved September 25, 1915.

No. 763.)

(S. 626—Hill.

AN ACT

To amend section 2967 of the Code of 1907.

Be it enacted by the Legislature of Alabama:

Section 1. That section 2967 of the Code of Alabama, 1907, be and the same is hereby amended so as to read as follows: The defendant in any suit commenced by attachment, or in any proceeding against him as a bankrupt, or in any suit in the chancery court in which an injunction against him is issued, may bring suit on the attachment bond, or against the plaintiffs as for a malicious prosecution, or upon the bond of the petitioning creditors, or against the petitioning creditors as for a malicious prosecution, or upon the injunction bond, or against the complainant in said chancery cause as for a malicious prosecution, in the county where the writ is levied or issued; and in case of bankruptcy, in the county where the goods, property and effects were seized or located; and in case of injunction in the county where the injunction operated, or such suits may be brought in the county where the plaintiff in attachment, or any of the sureties reside; and in cases of bankruptcy, where the petitioning creditors, or either of them resides; and in cases of

injunction, where the complainant or any surety on his bond reside; and this provision shall apply to any causes of action which have heretofore accrued as well as will hereafter accrue.

Approved September 29, 1915.

No. 765.)

(S. 849—Hartwell.

AN ACT

For the relief of Thomas T. Palmer, ex-sheriff of Mobile county, Alabama, for serving subpoenas in various cases on witnesses to appear before the excise commission of the city of Mobile, Alabama.

Whereas, Thomas T. Palmer, ex-sheriff of Mobile county, Alabama, during the months of December, 1911, February, March, April, May, August, September and November, 1912, and March, September and October, 1913, and February, March, June and December, 1914, served subpoenas in various cases on witnesses to appear before the excise commission of the city of Mobile, Alabama, and

Whereas, no provision was made for the payment of the fees of the sheriff in serving the said subpoenas, and

Whereas, the excise commission of the city of Mobile, Alabama, has on hand in its contingent fund a surplus of over three thousand dollars (\$3,000.00), after paying all expenses already incurred or to be incurred, and

Whereas, this surplus will be paid into the treasury of the State of Alabama, and

Whereas, the said Thomas T. Palmer, as sheriff of Mobile county, Alabama, served in said cases subpoenas upon one hundred and sixty-three (163) witnesses and received no compensation for such service, and

Whereas, the sheriff is usually paid a fee of 65c for summoning each witness and returning the subpoena; therefore:

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of one hundred and five and 95/100 dollars (\$105.95) be and the same hereby is appropriated for the benefit of Thomas T. Palmer, ex-sheriff of Mobile county, Alabama, for serving subpoenas in various cases on one hundred and sixty-three (163) witnesses to appear before the excise commission of the city of Mobile, Alabama, and the auditor of the State of Alabama is hereby authorized and directed to draw his warrant upon the treasurer of the State of Alabama in favor of said Thomas T. Palmer for the amount of one hundred and five and 95/100 dollars (\$105.95), and the treasurer of the State

of Alabama is hereby authorized and directed to pay said warrant out of any funds in the treasury not otherwise appropriated.

Approved September 28, 1915.

No. 767.)

AN ACT

(S. 329—Lusk.

To create the office of reporter of decisions, provide for his appointment, and fix his compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the office of reporter of decisions of the courts of last resort of the State of Alabama is hereby created, such reporter to be appointed or elected by the justices of the Supreme Court, for such time as may be determined by the said justices of the Supreme Court, removable from office at any time the said justices of the Supreme Court may see fit to do so.

Sec. 2. That such reporter of decisions shall receive as his compensation the sum of thirty-six hundred dollars per annum, payable monthly out of the State treasury, upon warrant of the State auditor.

Sec. 3. That all laws and parts of laws in conflict herewith, be, and the same are hereby repealed.

Approved September 29, 1915.

No. 768.)

(H. J. R. 263—Wilson.

HOUSE JOINT RESOLUTION

Relative to the Governor of Alabama designating Oct. 9 as fire prevention day in Alabama.

Whereas, The enormous fire losses annually have created an economic question of the gravest importance to the people of the United States and one which concerns all classes of people alike, not only on account of the financial losses that are incurred but on account of the sacrifice of thousands of human lives, and

Whereas, The "Safety First Federation of America" has designated October 9th, 1915, the anniversary of the great Chicago fire, as national fire prevention day with plans containing suggestions for fire drills in public schools, the inspection of fire apparatus everywhere and the removal of all dangerous rub-

bish from public and private buildings and premises, etc., therefore,

Be it resolved, by the House of Representatives, the Senate concurring, That the Governor of this State, following suggestions made to the Governors of all the states, be requested to issue his proclamation designating October 9th, proximo, as fire prevention day in Alabama, and that all good citizens who have their own welfare and that of the public at large at interest be urged to observe the day in the manner herein suggested.

Adopted by the House September 25, 1915.

Adopted by the Senate September 25, 1915.

No. 772.)

(H. 1125—Johnston of Madison.

AN ACT

To authorize and empower State banks, savings banks and trust companies organized under the laws of the State of Alabama, to subscribe for stock and become members of the Federal Reserve Bank authorized under act of Congress adopted December 23, 1913.

Section 1. *Be it enacted by the Legislature of Alabama:* That all State banks, savings banks and trust companies organized under the laws of the State of Alabama, be, and they are hereby authorized and empowered to subscribe for stock and become members of the Federal reserve bank of the district to which they may properly be assigned by the Federal reserve board in accordance with the act of Congress adopted December 23, 1913, provided the same is approved by resolution of the board of directors of such bank and in accordance with the requirements of the Federal reserve act.

Sec. 2. *Be it further enacted*, etc., that any such State banks, savings banks or trust companies which may subscribe for stock in the Federal reserve bank and become a member thereof, shall be required to conform to the regulations of such Federal reserve bank and of the Federal reserve board.

Sec. 3. This act shall not be construed as requiring or compelling the said institutions to become members of said Federal reserve banks system, but only as giving them the right to do so at their election and option.

Sec. 4. *Be it further enacted* that all laws or parts of laws in conflict herewith, be and the same are hereby repealed.

Approved September 25, 1915.

No. 774.)

(H. 1590—Hogan.

AN ACT

To authorize county commissioners or boards of revenue in counties in this State of one hundred and fifty thousand inhabitants or more according to the last Federal census or any subsequent Federal census to employ janitors for courthouses and other county buildings.

Be it enacted by the Legislature of Alabama:

Section 1. That in counties of this State of one hundred and fifty thousand inhabitants or more according to the last federal census or any subsequent federal census the courts of county commissioners or boards of revenue shall have the exclusive authority to employ janitors for the courthouses and other county buildings and to fix the compensation for the same.

Sec. 2. That all laws and parts of laws in conflict herewith general or local are hereby expressly repealed.

Approved September 25, 1915.

No. 775.)

(H. 1646—Rogers of Choctaw.

AN ACT

To provide for the payment and regulation and status of claims and fees of witnesses before the grand jury and circuit and county courts of counties having a population not exceeding 18,700 and not less than 18,300 according to the census of 1910 and to prohibit the dealing therein.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act, in all counties having, according to the census of 1910, a population of not more than 18,700 and not less than 18,300, all witnesses hereafter summoned in criminal cases on part of State to appear before the grand jury and circuit or county courts shall receive for their attendance as such witnesses the sum of one dollar per day and five cents for every mile to and from their residence by the route usually travelled, to be paid out of the general funds of the county on presentation to the treasurer of the county or the person charged with the duties of treasurer, of the certificate issued by the foreman of the grand jury or by the clerks of said courts.

Sec. 2. The fees of witnesses in cases of conviction shall be taxed as part of the costs in such cases and when collected shall be paid into the county treasury to the credit of the general funds.

Sec. 3. Any person, who directly or indirectly by himself or through another purchases, deals or traffics in any manner in witness certificates in such counties as referred to in section 1 of this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than fifty dollars; provided nothing contained in this section shall prevent any person from receiving in good faith any such witness certificate in payment of a debt due him.

Sec. 4. The witness certificates referred to in this act shall be receivable in payment of county taxes and be a preferred claim against the county next in priority to claims of jurors.

Sec. 5. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved September 25, 1915.

No. 777.)

(H. 1667—John

AN ACT

To make an appropriation for the equipment and maintenance of the Alabama room in the Confederate Memorial Museum at Richmond, Virginia.

Be it enacted by the Legislature of Alabama:

Section 1. That for the purpose of equipping and providing for the maintenance of the Alabama room in the Confederate Memorial Museum at Richmond, Virginia, there is hereby appropriated out of any monies in the State treasury not heretofore otherwise appropriated the sums of \$250.00 (two hundred and fifty dollars) a year for each of the fiscal years ending respectively on the 30th days of September 1915, 1916, 1917 and 1918, a total for the four years of \$1,000.00 (one thousand dollars).

Sec. 2. That the sums appropriated by section one hereof shall be paid by the State treasurer on warrants drawn therefor by the State auditor in favor of such officer or officers of the United Daughters of Confederacy as the Governor shall direct.

Approved Sept. 25, 1915.

No. 778.)

H. 1685—Tunstall.

AN ACT

To repeal section 17 of an act to prescribe and fix the license or privilege tax to be paid by every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession in this State, or who shall in this State exercise any privileges, for which a license or privilege tax is or may be charged; to provide for and regulate the collection of such license or privilege tax; to fix the compensation to be paid for the collection of such license or privilege tax; to provide for the distribution, application and safe-keeping of the funds arising from the collection of such license or privilege tax; to fix a penalty for doing business without a license, and to provide for the enforcement thereof, and to further provide for the general revenues. Approved September 14th, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That section 17 of an act entitled an act to prescribe and fix the license or privilege tax to be paid by every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession in this State, or who shall in this State exercise any privileges, for which a license or privilege tax is or may be charged; to provide for and regulate the collection of such license or privilege tax; to fix the compensation to be paid for the collection of such license or privilege tax; to provide for the distribution, application and safe-keeping of the funds arising from the collection of such license or privilege tax; to fix a penalty for doing business without a license, and to provide for the enforcement thereof, and to further provide for the general revenues. Approved September 14th, 1915, be and the same is hereby repealed.

Approved September 25, 1915.

No. 779.)

(H. 1283—Walden.

AN ACT

To provide pensions for soldiers and sailors in the service of the State of Alabama, and to their widows, and for soldiers and sailors in the army or navy of the Confederate States of America, and to their widows, and for the regulation of the payment thereof.

Be it enacted by the Legislature of Alabama:

1. That the director of archives and history, the attorney general and the chief examiner of public accounts ex-officio, are constituted and appointed a board of Confederate pension

commissioners in and for the State of Alabama, whose duty it shall be to have full control and supervision of all pensions allowed by law to soldiers or sailors in the service of the State of Alabama and to their widows, and to the soldiers or sailors in the army or navy of the Confederate States of America and to their widows, and to do and perform any and all acts whatsoever, and to have all such powers as are necessary to the full execution of this act. The said board shall have authority to establish and promulgate any rules and regulations and to prepare and publish all necessary blanks, forms, circulars and such other literature as may be necessary to carry out the provisions not provided for specifically herein.

2. That the State auditor is authorized and directed to appoint a pension clerk who shall act as secretary to said board of Confederate pension commissioners and shall perform such duties incident to the department as may be required by its rules and draw all warrants required thereby under the direction of the State auditor. He shall receive a salary of \$1,500 per annum, payable monthly, out of the pension fund, and a continuing appropriation is hereby made out of such fund to pay such salary. That that portion of section 602 of the Political Code of 1907 reading as follows: "For additional clerical assistance in that office there is appropriated annually the sum of \$1,200 or so much thereof as may be necessary" be and the same is hereby repealed.

3. The several probate judges of the counties of the State of Alabama are hereby constituted county Confederate pension commissioners and they are charged with the performance of the several duties, required by this act. Any probate judge who shall carelessly or willfully fail, neglect or refuse, to perform any of the several duties required of him under this act, shall be guilty of a misdemeanor, and be fined not more than five hundred dollars, and shall also be subject to impeachment.

4. Any resident of this State at the time of filing his application, who served in the military or naval service of this State, or of the Confederate states, from 1861 to 1865, and who did not desert the service of the State of Alabama, or of the Confederate states, and who does not now own real or personal property, one or both, to the value of more than two thousand dollars shall be entitled to the provisions of this act. No inmate of the Confederate soldiers' home at Mountain Creek, and no person who did not do other service than in the home guards, the State reserves, or the State militia of a state other than Alabama, shall be entitled to relief under this act. If a pen-

sioner becomes insane and is confined in the State insane hospital at Tuscaloosa, if he has a wife over 40 years of age she shall be entitled to draw his warrant while the husband is confined in the asylum.

5. The widow of any Confederate soldier or sailor of this State or the Confederate states, who was married to such soldier or sailor before the first day of July, 1914, and who has not remarried since the death of such soldier or sailor, unless such remarriage be to a Confederate soldier or sailor, and whose husband did not desert the service of the State of Alabama, or of the Confederate states; who is a resident of the State at the time of filing her application, and who does not now own property over the value of two thousand dollars shall also be entitled to relief under the provisions of this act. No widow of any Confederate soldier or sailor shall be entitled to the same classification upon the pension roll as the veterans unless she shall have married the veteran as whose widow she draws a pension, prior to April, 1865. All widows who were married to husbands through whose service they draw pensions since April, 1865, shall draw third class of pensions.

6. Any soldier or sailor who served in the Alabama State militia, or in the Confederate army or navy, who deems himself entitled to the benefit of this act, shall file with the probate judge his application in writing upon blanks to be furnished him by the probate judge of the county in which he resides, setting forth that he was a Confederate soldier or sailor in the service of the State of Alabama, or of the Confederate states, that he did not desert the service, that neither he nor his wife is possessed of property to the value of more than two thousand dollars. He shall also state in what company or regiment, or other command, and in what branch of the service he served; whether he was honorably discharged or whether he surrendered with the army; giving his age and the nature of the wound he received, and in what engagement he was wounded, if any, and his post office. The averments of the application must be sworn to by the applicant before any officer authorized by law to administer oaths. No application shall be rejected for any defect of form, if sufficient facts appear to show meritorious ground for relief, and if the blanks supplied by the State auditor has been substantially followed.

6½. No applicant except those applying under section 8 of this act will be permitted to enjoy relief from the various sections of this act, except when one witness who served the Confederate states, certifies to the facts that the applicant did

serve as set forth in the application, or, in case the applicant is a widow, that the husband did serve. Neither will any person be entitled to the provisions of this act, except those applying under section 8 who does not furnish evidence of two reliable citizens of their precinct, that they are trustworthy and reliable. However, if applicant has his parole, or if the applicant be a widow, her husband's parole it shall be considered prima facie evidence without additional proof, and the applicant's name be forthwith placed on the pension roll. Provided, however, that all persons now living who have drawn a pension under the laws of this State within the past ten years, and whose names have been dropped from the pension rolls of Alabama, shall on proof of good character, as hereinabove provided, and making affidavit that they served in, and did not desert the Confederacy, be, unless such facts be disproved—restored to such pension roll. This provision for restoring to the pension rolls shall include the widows of Confederate soldiers and sailors, such widows to make affidavit that they are informed and believed and on such information and belief state that the husband served in and did not desert the Confederacy, and wherever a widow of a Confederate soldier is entitled to be restored to the rolls under the provisions of this section and is unable to make the application or affidavit on account of mental condition any person who knows the facts may make it for her and the warrant shall be drawn in favor of the person maintaining such widow.

7. If any widow of any Confederate soldier or sailor who served this State or the Confederate states who has in good faith been a citizen of Alabama for one year, who is a citizen of the State at the time of filing her application deems herself entitled to the benefits of this act, she shall file with the probate judge of the county of her residence, her application in writing upon blanks to be furnished by the judge of the county, stating the name of her deceased husband, the company and regiment to which he belonged, whether he was killed or died in the service or not; that she has no children living with her upon whom she can depend for support; that she has not since married; that the value of all her property does not exceed two thousand dollars. She shall also file with the probate judge a complete inventory of all the property, both real and personal that she owns, which application must be sworn to by the applicant before any officer authorized by law to administer oaths.

8. The widow of any Confederate soldier or sailor who is or was on the pension roll at the time of his death shall be

placed on the pension record and shall become entitled to the amount of money allowed by law to the widows of Confederate soldiers or sailors, upon formal application to the probate judge and satisfactory proof that she is the widow of such Confederate soldier or sailor, and has not remarried since the death of her husband, and such application and proof must be forwarded to the pension commissioners for consideration as other applications.

9. All applications filed with the probate judge shall be immediately forwarded by him, together with all papers or evidence pertaining thereto, to the pension board at the State capitol, for their immediate and careful consideration. For such services the judge of probate shall receive fifty cents for each application provided that he shall not receive compensation for more than one application for any applicant in any one year, which amount shall be paid out of the county treasury.

10. All beneficiaries under this chapter whether soldiers, or sailors who are over eighty years of age, or totally blind, or who have lost two limbs, or the entire use thereof shall be classed No. 1. Those who have lost a leg or foot or arm or hand or the entire use thereof, or are over seventy years of age shall be classed No. 2. All others who are entitled to a pension under this article shall be classed No. 3. The pension commissioners shall upon application properly certified and proved transfer an applicant from any of the lower classes to a higher class when after examination they find his or her increased disabilities or age entitles them to such transfer. Each class shall participate in the division of the pension fund in the proportion hereinafter provided. The pension commissioners shall from time to time readjust and reclassify the beneficiaries under this act whenever the same should be done by reason of the advancing age of the beneficiaries without formal application being made therefor.

11. Proof of the age prescribed in section 10 of this act may be at any time, by the affidavit of the applicant, or of any competent witness taken before, and certified by any officer authorized to take and certify affidavits, and when so made, such proof shall be immediately filed with the probate judge, in which county such applicant lives, who shall forward the same without delay to the pension commission who shall forthwith consider such proof in connection with the records in the pension commission's office and place such name on the pension roll in the class to which it belongs provided the pension commission is satisfied such proof is true.

12. The State auditor shall have prepared records to be used as a permanent State record of pensions, in which he shall have recorded in alphabetical order according to counties, the names of all the pensioners, together with a suitable column in which shall be promptly entered the date of death, or other cause for the discontinuance of pension. Such record shall be kept up to date by the prompt entry thereon of all new names admitted to the pension rolls.

13. All applications rejected by the pension commission shall be entered upon a permanent record to be known as a record of rejected applications for Confederate pensions, with the reasons of such rejection, and the original application and all papers connected therewith shall be returned to the probate judge, who shall file them in his office, to be permanently preserved for future reference.

14. The auditor, after completion of the record hereinbefore required, shall furnish each probate judge an abstract of all pensioners in his county, which abstract or copy shall be by such judge recorded in a substantially bound and properly ruled book, to be kept in his office as a public record of pensions. All applications made to the probate judge after the receipt of the record referred to shall be entered upon such record before being forwarded to the State auditor. In the event any application shall be rejected, he shall on receipt of notice thereof, so state on his record.

15. The State auditor shall prepare and furnish to the probate judges copies of blank applications, affidavits, and such other blanks as he may deem necessary to carry out the provisions of this act, and they shall be by the probate judge furnished free of cost to those desiring to make application for relief.

16. All records, blanks, and other stationery necessary for the use of applicants shall be paid for by the State as other stationery.

17. That the sum of \$500 is hereby appropriated annually out of the pension fund for the use of the auditor for the employment of clerical assistance and other necessary expense which may arise in carrying out the provisions of this act.

18. All moneys appropriated in any manner for the relief of Confederate soldiers and sailors and their widows, shall be paid quarterly on the first day of October, January, April and July of said fiscal year. The State auditor, at the end of each quarter, shall draw his warrant in favor of all pensioners upon the treasurer, payable out of the Confederate pension fund, for

such amount as may be found due under the provisions of this act for the preceding quarter, which warrant, together with a blank receipt to be signed by the payee, upon the receipt of such warrant, shall be sent to the probate judge in the county in which the pensioner resides. The judge of probate shall deliver such warrant to the payee, having them to sign the receipt accompanying, which receipts the judge of probate shall retain in his custody for thirty days, after which time he shall return to the auditor all receipts by him for such pension warrants, together with any warrants that he may have in his hands which he could not deliver, and such warrants so returned shall be endorsed "Cancelled" on the face thereof with the date and reasons for such cancellation, and signed by the probate judge making such endorsement. No other warrants shall be issued in the place of those cancelled. In the event that the probate judge does not know that the person applying for the warrant is the identical person named therein and entitled thereto, he must require satisfactory proof of those facts before the delivery of the warrant. In the event the pensioner shall be physically unable to appear before the probate judge in person, in order that he or she may receive the warrant, delivery shall only be made through a reliable citizen of the precinct in which such pensioner resides, or the certificate of such citizen, duly attested, that the pensioner is still living, and is physically unable to appear in person before the probate judge. The receipt of the citizen, together with the certificate herein provided from him shall be a compliance with the provisions of this section covering receipts.

19. The probate judges shall quarterly revise the pension rolls of their respective counties, and if upon careful investigation, it should appear to them that any pensioner whose name stands on the roll, is in any way illegally drawing a pension, the name of such pensioner, together with the name of any pensioner who has died or removed from the State, shall be sent to the pension commission with a recommendation that the name of such pensioner be erased from the pension roll. If, upon receipt of such information by the pension commission, it should appear that any erasures should be made from the roll, they shall so notify the probate judge, and no warrant shall thereafter be issued to any pensioner whose name the pension commission shall decide should be erased from the pension roll.

20. Should a pensioner die, leaving a widow, who would be entitled to a pension under the provisions of this article, or

leaving minor children, or should a widow receiving a pension die, the probate judge shall deliver the warrant to the widow, or minor children, or child of such pensioner, and should there be no widow or minor child of such deceased pensioner, the probate judge shall endorse and collect the warrant and attach it to his certificate, showing the facts upon which he is authorized to so endorse and collect the warrant, and the proceeds thereof he shall apply first, to the payment of the burial expenses; second to the expenses of the last illness of such pensioner; but no more than one warrant shall be drawn after the death of such soldier or widow.

21. Any soldier, sailor, or widow who shall be absent from the State for twelve months shall be dropped from the roll by the probate judge or the pension commission, and if dropped from the roll by the probate judge, he shall notify the pension commission immediately of his action, but such pensioner may be restored to the roll without further proof, on formal application, setting forth the fact that he or she has returned to the State permanently, but no such pensioner shall be entitled to any quarterly allowance during the time so stricken from the roll.

22. An applicant who has been rejected may file his or her application again after the lapse of three months from the date of rejection, but if only the original application and no new or additional proofs shall be offered, the probate judge shall refuse to further consider the application.

23. If it shall be ascertained that any pensioner secured the grant of his pension by misrepresentation, either by himself or others, his or her name shall be stricken from the pension roll of the county and State, and the facts reported by the probate judge, State auditor or by any one else having knowledge of the facts to the grand jury for its consideration.

24. Any applicant under this chapter, or any witness examined or whose affidavit is used in connection with an application, who knowingly swears falsely, to any material matter in connection therewith, shall be guilty of perjury. Any persons knowingly receiving pension money, who are not entitled there-to shall be guilty of embezzlement.

25. No persons shall purchase or receive a transfer of any pension or warrant issued or to be issued under this act, before the date provided for issuing warrants herein provided, unless in writing transferred for face value for supplies or merchandise, or unless discounted at nothing more than legal rate of interest, which shall be stated in the instrument of transfer;

and a copy of such transfer must be made and filed with the probate judge to be returned with the receipt to the State auditor.

26. Any person acquiring a pension or warrant in violation of the preceding section shall be liable to a penalty in an amount equal to the face value of such claim or warrant, recoverable at the suit of any person who may sue for the use of the pensioner or payee of such warrant or claim. They shall also be guilty of a misdemeanor, and on conviction may be fined not exceeding one hundred dollars.

27. Whenever it is made to appear to the probate judge that a pensioner who has been admitted to the pension roll and had been paid a pension under the laws of Alabama and who is entitled to a pension, and whose name has, through mistake, omission, or inadvertance been dropped from, or left off the list of pensioners, he shall certify such fact and the length of time omitted or dropped, and the amount due such pensioner, to the State auditor, and he shall thereupon, if fully satisfied that such pensioner is justly entitled to be restored, issue his warrant for such amount and restore such pensioner to the list.

28. During the month of January each year, it shall be the duty of the probate judge to publish in the county newspaper having the contract for county printing, or in case no paper has such contract, then in some other county paper to be selected by him, an alphabetical list, with full names and post office addresses of all pensioners, whether soldiers, sailors, or widows, in their respective counties. Such list shall be published one time, and shall be paid for at the regular rate for printing from the county treasury.

29. That the probate judge of each county shall at least twice a year submit to the grand jury of such county a certified copy of the list of pensioners entitled to pensions in said county, and the grand jury of such county shall carefully investigate and scrutinize such list to the end that the list may be purged of any who may not under the law be entitled to pensions, and to this end the jury shall have the right to summon witnesses before it and administer oaths, and examine them touching their knowledge of the pension list of the county, and the grand jury shall make such investigation at least twice each year, and within ten days after the adjournment of each regular session of the grand jury it shall be the duty of the foreman of said jury to submit in writing through the probate judge, to the pension commission the name or names of any person or persons whose names are illegally on the pension list of

said county. And it shall be the duty of the different judges in this state at least twice a year to specifically charge the grand jury to investigate the pension list in order that the purposes of this act may be carried out.

30. Upon the application of any soldier or sailor, or the widow of any soldier or sailor, resident citizens of Alabama, to any probate judge, for a pension under the Confederate pension laws of Alabama, the fact of his having served in the State troops of Alabama, or in the Confederate army or navy, may be proved by evidence in line with section 6 $\frac{1}{2}$ that will reasonably satisfy the person or persons whose duty it is to pass thereon of the truth of such facts.

31. That it shall be the duty of the pension commissioners to consider all applications for pensions as well as all applications for reinstatement or restoration to the pension rolls which may have been made to previously existing county boards and which may not have been disposed at the date this act goes into effect. After the approval of this act the execution of all pension laws shall devolve upon the pension commission as hereinbefore constituted as a board and by the probate judges as hereinabove provided.

32. Any person who violates any provision of this act where a penalty is not otherwise specifically provided for herein shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars.

32 $\frac{1}{4}$. The provisions of this act shall receive a liberal construction, and if any clause, paragraph or section is of doubtful construction, the same shall be construed in favor of the pensioners herein provided for.

32 $\frac{1}{2}$. Provided that the provisions of this act shall not be construed to apply to any person or persons who served only as member of State troops, State militia, or home guard, or the widow of any such person or persons.

33. This act shall be in full force and effect from the date of approval by the Governor, and all laws and parts of laws in conflict are hereby repealed.

34. Should any clause, paragraph, section or part of this bill be held invalid or unconstitutional, the same shall not affect any other clause, paragraph, section or part of the bill.

35. No applicant who has been purposely stricken from the pension roll shall be entitled to any back pay for the time his or her name was stricken from the roll, and no back pay shall in any case be granted except to those making application under section 27 of this act.

36. In all applications for pensions hereafter, there shall be included a certificate from the tax assessor or assessors of the county, or counties in which the applicant holds property to the effect that the actual value of the applicant's property does not exceed two thousand dollars.

Approved September 25, 1915.

No. 780.)

(H. 1056—Copeland.

AN ACT

In relation to the Alabama Home of Refuge, a State training school for white girls, and to further regulate and provide for its powers, government, enlargement and relocation; providing for change of name and authorizing judges of municipal courts or recorders of towns and cities to commit girls thereto; regulating the formation of the board of managers, and the filling of vacancies in the board; making an appropriation for suitable grounds or land, and for the erection thereon, and equipping suitable and adequate buildings for said training school; authorizing the sale or exchange of present property of the institution, and the use of the proceeds; making it unlawful to induce, assist or otherwise cause any girl to leave the school, without the consent of the superintendent or officer in charge, or to escape therefrom and providing penalties.

Be it enacted by the Legislature of Alabama:

Section 1. That, the name of the Alabama Home of Refuge, a State institution for the training of delinquent white girls, established April 13th, 1911, be changed to that of the State training school for girls.

Sec. 2. That any municipal court, or judge thereof, or city recorder in any town or city of the State, shall have authority to commit white girls to the care of said institution in addition to the judges who already possess that power, and in accordance with the authority contained in the act approved April 13th, 1911.

Sec. 3. That, upon the resignation of any lady member of the board of managers of said institution, or at the expiration of the term of any such member thereof, the board of managers may refrain from electing successors thereto in such manner and to such extent, however, as not to reduce the board of managers, exclusive of the Governor and attorney general, below seven in number, and in the filling of any vacancy occurring on the board that may be filled by the board of managers. men may be eligible thereto.

Sec. 4. That the minimum age of girls who may be taken into or committed to said institution be, and is hereby fixed at nine years.

Sec. 5. That the board of managers shall make annual reports to the Governor showing receipts and expenditures, with such other information as to the condition of the institution and results obtained, that may be interesting and useful to the public.

Sec. 6. That any person who shall persuade, coerce, employ, induce or assist in any manner any girl who has been committed to the care of said institution, to leave the same without the consent of the superintendent, or some officer in charge, or to make her escape from said institution, shall be guilty of a misdemeanor, and upon conviction, shall be fined a sum not less than fifty dollars, nor more than five hundred dollars, and in addition thereto at the discretion of the judge or court trying the case may be imprisoned in the county jail or sentenced to hard labor for the county for a period of not more than twelve months.

Sec. 7. That there is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of fifty thousand (\$50,000.00) dollars, to be expended by the board of managers of said institution, subject to the approval of the Governor and attorney general in providing suitable grounds or lands, and for the erection thereon of an administration building and dormitories on the cottage plan, and other school and farm buildings, or any of them, and for furnishing and equipping the same for the needs of said training school, which shall be located on the grounds or lands to be selected by the said board of managers with the assistance and advice of and subject to the approval of the Governor and attorney general. When said training school shall have been relocated, it shall at the place of such location have and possess all powers and perform all duties prescribed in the act of April 13th, 1911, as modified or supplemented by this act.

Sec. 8. That the board of managers with the advice and approval of the Governor and attorney general may sell or exchange the present property of said training school located at East Lake, a part of Birmingham heretofore conveyed to the State, and may make such sale or exchange at such price and on such terms as said State officer may approve for the benefit of said school, and thus make the property or proceeds thereof available for the benefit of said school, in making a relocation thereof, and in securing more adequate buildings and prop-

er facilities. Upon making such sale or exchange, the necessary conveyance may be made by a patent issued under the seal of the State signed by the Governor and attested by the Secretary of State. That this act shall take effect from and after its final passage and enactment into law.

Sec. 9. Provided, however, that the appropriations provided for in this bill shall not be paid until such time as in the opinion of the Governor, the condition of the treasury will permit, to be evidenced by the certificate of the Governor filed with the auditor to that effect.

Approved September 25, 1915.

No. 781.)

(H. 443—Weakley

AN ACT

To create in all cities of the State of Alabama which have a population of as much as one hundred thousand people according to the last Federal census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire department of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of the officers and agents; to prescribe the powers and duties of said board and its officers and agents; to create in all such cities a fireman's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to declare the said board of trustees and trustee of such fund; to provide for the use, management, and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into said fund of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such fund of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the city attorney and city physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits out of said fund from levy; to provide the time of taking effect of this act.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That in all cities of the State of Alabama which have a population of as much as one hundred thousand people, according to the last federal census, or which shall have such population according to any such census that may be taken hereafter, there is hereby created in connection with the regularly organized and paid fire department of such cities a "Board of Trustees of the Firemen's Pension and Relief Fund," by which name the said board shall be known and called, to be composed of the persons hereinafter named and to be selected as hereinafter provided and directed; and in all such cities, there is hereby created a firemen's pension and relief fund, for the benefit of the persons hereinafter named to be derived and raised in the manner hereinafter provided.

Section 2. That the said board of trustees of the firemen's pension and relief fund shall be composed of five members, consisting of the president of the board of commissioners of such city, or other executive head thereof, the chief or other head fireman of such fire department of such city, and three members of such fire department of such city, who shall be selected as is hereinafter set forth and provided.

Sec. 3. That within ten days after this act takes effect, the chief or other head firemen of such fire department of such city shall designate a day for holding the first election of trustees under the provisions of this act, and such officers, within the period aforesaid, shall fix a time for holding a convention to nominate trustees for election, and the time for holding such convention shall be fixed five days earlier than the time for holding such first election. The delegates to such convention shall consist of one delegate from each fire company in such city, who shall be elected by ballot by the members of such company at the time fixed by the chief or other head fireman of such fire department, in the call for such convention. The election of such delegates shall be certified by the captain or other officer in charge of such company, and if there be no officer in charge of such company, then by the oldest member thereof present at such convention. Such convention, when convened shall nominate five members of the fire department to be voted for as such trustees, and the names of the persons so nominated as candidates shall, by the delegates to such convention be reported in writing to their respective companies. The said election shall be held at the respective houses or quarters of the respective companies on the day named as aforesaid, be-

tween the hours of nine o'clock in the forenoon and six o'clock in the afternoon. Every member of such fire company shall be entitled to one ballot, and no ballot shall contain the names of more than three persons, and the persons whose names are placed on said ballot shall be chosen from the five persons nominated by the said convention. The candidate receiving the highest number of votes shall hold office as such trustee for three years, the candidate receiving the next highest number of votes shall hold office for two years, and the candidate receiving the next highest number of votes shall hold office for one year; provided that the terms of the persons elected at such first election shall run from the first Tuesday of January, 1915. The captain or other officer in command of such fire companies, respectively, or if there be no officer in charge thereof, then the oldest member thereof, on the day of and immediately after the casting of such ballots, shall canvass and count the same, and certify in writing the number of ballots cast and the number of ballots received by each candidate for the office of trustee. After signing such certificate, such officer or other person shall enclose the same to the chief or other head of such fire department, together with all the ballots cast by said fire company, in an envelope, securely sealed and addressed; and the chief or other head of such fire department as soon as all such certificates and ballots shall have been received by him, shall deliver the same to the president of the board of commissioners or other executive head of such city who shall, in the presence of the chief or other head of such fire department, open said envelopes, examine said certificates, and ascertain and determine the total number of ballots cast at said election for each of the candidates as such trustees, and shall issue certificates of election as such trustees to the three candidates receiving the highest number of votes as aforesaid. In case any two or more candidates shall have received the same number of votes, so that there would be no choice under the foregoing provisions, then the president of the board of commissioners or other executive head of such city shall forthwith determine by lot who shall be the trustees from the persons so receiving such equal number of votes. No election shall be set aside for want of formality in balloting by such members, or in certifying or transmitting returns of any such election by the officers or persons in charge thereof.

Sec. 4. That the regular annual election shall be held on the first Tuesday in January of each year, beginning with Jan-

uary, 1916. At such annual election, one trustee shall be elected for a term of three years. The provisions relating to the first election, as to the calling of convention, selecting the delegates, conducting the election, the preparation of ballots and all other like matters, as well as to the certificates of election, the decision in case of a tie and all matters of like nature, shall govern the holding of the regular elections except that only one trustee shall be elected at each regular election.

Sec. 5. The chief or other head fireman of such fire department shall be the president of the said board of trustees of the firemen's pension and relief fund. At the first meeting after each election, the board of trustees shall elect a secretary, who may be chosen from their own number; provided that if the said board of trustees deem proper, the secretary, who shall be a member of such fire department, may be elected by the companies, under the provisions of this act relating to the election of trustees, to serve for a term of three years. It shall be the duty of the secretary to keep, in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be properly assigned to him by the board of trustees.

Sec. 6. The city treasurer of such city is hereby made, and it shall be his duty to be, the custodian of all moneys belonging to the fireman's pension and relief fund, and all moneys belonging to such fund shall be promptly paid to him. The said treasurer shall also be the custodian of all securities and things of value belonging to such fund. He shall be liable on his official bond for the faithful performance of the duties imposed upon him under this act, and for the faithful accounting for all moneys, securities and things of value which come into his hands as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the expiration of his term of office, such treasurer shall surrender and deliver up to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of such fund.

Sec. 7. That the said board of trustees of the firemen's pension and relief fund is hereby declared to be the trustee of said fireman's pension and relief fund, and shall have the exclusive management, and control thereof, and all matters legitimately connected therewith; and said board shall have power to adopt and enforce such rules and regulations as may be nec-

essary to enable it to effectively and properly carry into execution the purpose for which it was organized, and to enable it to properly manage and conduct the business and affairs entrusted to it, provided such rules and regulations shall in no wise contravene the provisions of this act, but shall be in conformity thereto. The said board shall hear and decide all applications for pensions or relief under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal, except by the said board. The board shall cause to be kept a record of all of its meetings and proceedings.

Sec. 8. That the said firemen's pension and relief fund shall consist of the following, namely: A. Of all moneys that may be given or donated to said fund by any person, firm, association or corporation for the uses and purposes for which said fund is created; and said board may take by gift, grant, devise or bequest any money, personal property, real estate or any interest therein or any right of property for the benefit of said fund; and such gift, grant, devise or bequest may be absolute or in fee-simple or upon condition that only the rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created. B. One dollar per month shall be deducted from the pay roll of such fire department for each and every member thereof, which shall be placed by the treasurer of such city to the credit of said firemen's pension and relief fund. C. Each fire insurance company doing business in such city shall, within thirty days after this act takes effect, and annually thereafter on or before the first day of February of each year, pay into said firemen's pension and relief fund, a sum equal to one-half of one per centum of the gross premiums, less returned premiums, received by such fire insurance company for and on account of business done by it in such city during the preceding year; and it shall not be lawful for such fire insurance company, or its agent, to take or receive any premium for insurance against fire within such city, unless such fire insurance company shall pay, at the time aforesaid, to the firemen's pension and relief fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating the provisions of this act, shall forfeit to the said firemen's pension and relief fund the sum of one thousand dollars, to be recovered against such fire insurance company so violating the provisions aforesaid or its agent, by suit brought in the name of the said board of trus-

tees of the firemen's pension and relief fund, and all such forfeitures and penalties shall be and become a part of said firemen's pension and relief fund. D. The board of city commissioners of such city are hereby authorized and empowered to set apart for, and pay into, the said firemen's pension and relief fund not exceeding one per centum of all revenues collected and received by such city from licenses issued by such city.

Sec. 9. That the board of trustees of said firemen's pension and relief fund may, at any time, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment shall be made; and all proceedings of the said board of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by the purchase of the interest-bearing bonds of the United States of America, or of the State of Alabama, or of any bonds lawfully issued by such city, or by investing in valid first-mortgage on improved real estate in such city to an amount not exceeding fifty per centum of the value of such real estate, the title to such real estate to be marketable and to be approved by the city attorney of such city, or other reputable attorney, who shall give his written opinion thereon. All income from such investments shall be and become a part of the said firemen's pension and relief fund. All such securities shall be deposited with the treasurer of the said firemen's pension and relief fund, and shall be subject to the management and control of the said board of trustees of the firemen's pension and relief fund.

Sec. 10. That the said board of trustees of the firemen's pension and relief fund shall make a report to the board of city commissioners of such city of the condition of such firemen's pension and relief fund on the first day of January of each and every year.

Sec. 11. That the said board of trustees of the firemen's pension and relief fund may designate the depository or depositories of such firemen's pension and relief fund, and it shall be the duty of the treasurer of such fund to make deposits of such fund as directed by the said board of trustees. All interest received on such deposits shall be and become a part of such fund.

Sec. 12. That all moneys ordered to be paid from said firemen's pension and relief fund shall be paid by the treasurer

of such fund only upon warrants signed by the president of the said board of trustees and countersigned by the secretary thereof; and no warrant shall be drawn on such fund except by order of the said board of trustees, which shall be duly and regularly entered in the record of the proceedings of the said board of trustees.

Sec. 13. That no portion of the said firemen's pension and relief fund shall, before or after its order for distribution by the said board of trustees to the person or persons entitled thereto under the provisions of this act, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree, or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund; but shall be exempt therefrom. The said fund shall be sacredly kept, held and distributed, for the purposes named in this act, and for no other purpose whatsoever.

Sec. 14. That if at any time there shall not be sufficient money in such firemen's pension and relief fund to pay each person entitled to the benefit thereof the full amount per month as herein provided, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

Sec. 15. That if any member of such fire department, while in the performance of his duty, become and be found to be temporarily totally disabled, mentally or physically, for service in such fire department, by reason of service therein, the said board of trustees shall order the payment of such disabled member, monthly, during such total disability, not to exceed one year in any event, from such fund, a sum equal to two-thirds of the monthly compensation allowed such member as salary in such fire department at the date of his disability; provided such member during the same period, is paid no salary as such member.

Sec. 16. That if any member of such fire department, while in the performance of his duty, become or be found to be physically or mentally permanently disabled for service in such fire department, by reason of service therein, so as to render his retirement, from such service necessary, said board of trustees shall retire such disabled member from service in such fire de-

partment; and upon such retirement, said board of trustees shall order the payment to such disabled member, monthly, from such fund, a sum equal to one-half of the monthly compensation allowed to such member as salary in such fire department at the date of his retirement.

Sec. 17. That the said board of trustees, with the approval of the city physician or other reputable examining physician to be selected by it, shall have the power to retire from service in such fire department any member thereof who has become disabled while in the actual performance of his duty; or any member who has performed faithful service in such fire department for a period of not less than fifteen consecutive years; and shall in such case place the member so retired on the pension roll, and he shall receive from such fund a sum equal to one-half of the monthly compensation allowed to such member as salary in such fire department at the date of such retirement, which said sum shall be so paid to him monthly.

Sec. 18. That any member of such fire department who has been in the service thereof for as long as twenty consecutive years and shall have attained the age of fifty-five years, upon making written application to the said board of trustees therefor, shall without medical examination or disability, be retired from service in such fire department; and upon such retirement, the said board of trustees shall direct the payment to such retired member monthly from such fund, a sum equal to one-half of the monthly compensation received by such member as salary in such fire department at the time of his retirement.

Sec. 19. That any member of such fire department who has been in the service thereof for as long as twenty-five consecutive years, upon making written application to the board of trustees therefor, shall, without medical examination or disability, be retired from service in such fire department; and upon such retirement, the said board of trustees shall direct the payment to such retired member, monthly, from such fund, a sum equal to one-half of the monthly compensation received by such member as salary in such fire department at the time of his said retirement.

Sec. 20. That after any member of such fire department shall have been retired upon pension by reason of disability, the said board of trustees shall have the right, at any time, to cause such retired member to be brought before it and again examined by the city physician and other competent physicians and surgeons, to be selected by it, and also to examine other

witnesses for the purpose of discovering whether such disability yet continues, and whether such retired member should be continued on the pension roll, but such retired member shall remain upon the pension roll until reinstated in the active service of such fire department. Such retired member shall be entitled to notice, and to be present at the hearing of any such evidence, shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath; and any member of such board of trustees is hereby authorized and empowered to administer such oath to such witnesses. The decision of such board of trustees shall be final and conclusive and no appeal shall be allowed therefrom, nor shall the same be subject to review or reversal except by said board of trustees.

Sec. 21. That if any member of such fire department shall while in the performance of his duty, be killed or dies as a result of any injury received in the line of his duty, or of any disease contracted by reason of his service in such fire department, or shall die for any cause whatsoever as the result of his service in such fire department and while in such service, or after having served in such fire department for fifteen consecutive years or more shall die while in the service, or on the retired list, from any cause, and shall leave a widow or child or children under the age of fourteen years surviving, said board shall direct the payment from said fund, monthly, to such widow, during her natural life and while unmarried of thirty dollars, and for each child until it reaches the age of fourteen years, not less than five nor more than ten dollars, which said sum for the benefit of such child or children shall be paid to the mother, if living, monthly so long as such child or children shall reside with and be supported by her. Should such deceased member leave no widow or children, but a widowed mother, dependent upon him for support, the said board of trustees shall pay to her, during her natural life and so long as she remains unmarried, the sum or thirty dollars monthly.

Sec. 22. That whenever an active or retired member of such fire department shall die as aforesaid, the said board of trustees shall appropriate from the said fund a sum not less than seventy five dollars nor more than one hundred dollars for funeral and burial expenses of such deceased member, and which shall be used for such funeral and burial expenses; and the

said board of trustees may, in its discretion, order the payment of a sum not exceeding fifty dollars for the expenses of the attendance of the members of such fire department at said funeral.

Sec. 23. That when any member of such fire department shall be confined to his bed, and under the necessary care of a physician, by reason of sickness or other disability not hereinabove provided for, for as long a period as seven days, the said board of trustees shall direct the payment to such member from such fund of the sum of fourteen dollars, weekly, while so confined, not to exceed in any event twelve weeks; provided, however, such member shall not be entitled to any benefit or relief under this section, if such sickness or disability shall be caused by dissipation, immoral conduct or vicious habits.

Sec. 24. That in all matters involving the disability or sickness of members of such fire department, the said board of trustees shall have such disabled member, and, if it sees fit, such sick member examined by the city physician, or such other reputable physician or surgeon as may be selected by it, who shall report to said board of trustees the result of such examination in writing; and it is hereby made the duty of such city physician when requested so to do by the said board of trustees to make such examinations and to report thereon as aforesaid.

Sec. 25. That after a member of such fire department shall have served in such fire department for fifteen consecutive years and shall be discharged from such fire department, he shall be entitled to receive from such fund, monthly, not less than fifteen nor more than thirty dollars, which shall be ordered to be paid to him as aforesaid by the said board of trustees; provided such discharge is for any other offense than a criminal act.

Sec. 26. That there shall be kept by the secretary of the board of trustees a book to be known as the list of retired firemen. Such book shall also give a full and complete history and record of the action of the said board of trustees in retiring any and all persons under this act, showing the names, date of entering service of such fire department, date of retirement and the reason for such retirement, if any.

Sec. 27. That when the widow or children or widowed mother, or either of them, shall be entitled to a pension as provided in this act, such widow or children or widowed mother shall make or cause to be made an application to the board of trustees through the secretary of such board, on a form to be

provided by said board, which shall show in the case of the widow, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence; and proof of the widowhood of the mother of such deceased member, and her dependency for support upon him, shall be shown by affidavits of such widowed mother or disinterested persons; and the birth and ages of such children shall be shown by affidavits of the mother of such children, or disinterested persons, and by any other competent evidence. All applications and proofs shall be kept and retained in the custody of the said board of trustees.

Sec. 28. That it shall be the duty of the city attorney of such city to give advice to the said board of trustees in all matter pertaining to the duties of the said board of trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said board of trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and during all suits and actions in its behalf that may be required or determined upon by said board of trustees; and the said board of trustees shall have the authority to employ such other counsel as it may see fit in such matters, and to pay out of such fund reasonable attorney's fees to such counsel as it may employ as aforesaid.

Sec. 29. That the said board of trustees shall be authorized to pay out of such fund all reasonable and necessary expenses that may be incurred by it in and about the performance of its duties under this act and in and about the management and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary or compensation for their services out of said fund.

Sec. 30. That each fire insurance company doing business in such city shall file with the said board of trustees, on or before the first day of February of each year, a statement or report in writing, showing the gross amount of premiums, less returned premiums, received by such fire insurance company for and on account of business done by it in such city during the preceding year; which such statement or report shall be sworn to by the agent of such fire insurance company in such city, or some other person having knowledge of the facts; and any such fire insurance company failing to make and file such report and statement as aforesaid, shall be subject to the same penalties as are provided in subdivision C of section 8 of this act, to be collected as in said subdivision C provided, for the benefit of each fund.

Sec. 30. That if any section or provision of this act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section or provision of this act which is not, of itself, void or unconstitutional.

Sec. 31. That this act shall take effect from and after its approval by the Governor, or upon its otherwise becoming a law under section 125 of the Constitution.

Sec. 32. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 28, 1915.

No. 783.)

(H. 1232—Moore.

AN ACT

To amend section 1856 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

That section 1856 of the Code be amended so as to read as follows: 1856 Special tax levied and assessed. If three-fifths of those voting at said election have voted for the proposed taxation, the court of county commissioners, or court of like jurisdiction, shall levy said special tax, and cause the tax assessor to assess the same on the taxable property in said county, said levy to be made at the regular term of said court of county commissioners or court of like jurisdiction, beginning on the Monday in June, except in case such election be held after the first Monday in June and before the first day of September, in which case it shall be the duty of said court of county commissioners, or court of like jurisdiction, to make such levy immediately after such election, but the rate of such special tax shall not increase the rate of taxation, state and county combined, in any one year, to more than one dollar and twenty-five cents on each one hundred dollars of taxable property in said county, but all special county taxes for public buildings, roads, bridges, and the payment of debts existing at the ratification of the constitution of 1875 shall not be included in the aforesaid one dollar and twenty-five cents on the one hundred dollars of taxable property and provided further that this act shall apply to any election held after June 1st, 1915.

Approved Sept. 25, 1915.

No. 784.)

(H. 1354—Carmichael.

AN ACT

To make an appropriation of fifteen hundred twenty-nine and 70/100 (\$1,529.70) dollars for the relief of the Alabama State tax commission.

Be it enacted by the Legislature of Alabama:

1. That the sum of fifteen hundred twenty-nine and 70/100 (\$1529.70) dollars, is hereby appropriated for the payment of the following sums, incurred by the Alabama State tax commission in the prosecution of the work required of such commission by law, and for the payment of which no other funds are now available by law, namely: Jemison Real Estate Insurance Co., Birmingham, Ala., four hundred five and 00/100 dollars (405.00), The Paragon Press, Montgomery, fifty-four and 50/100 (\$54.50) dollars, Alabama Power Company, Birmingham, ten and 50/100 (\$10.50) dollars, The Age Herald Co., Birmingham, five and 00/100 (\$5.00) dollars, Mercantile Paper Co., Montgomery, twenty-five and 95/100 (\$25.95) dollars, Remington Typewriter Company, Birmingham, one hundred sixty-eight and 75/100 (\$168.75) dollars, and Brown Printing Company, eight hundred sixty and 00/100 (\$860.00) dollars.

2. That the State auditor is hereby authorized and directed to draw his warrant in behalf of the several persons or corporations named in section 1 hereof, on the presentation of an account stated, sworn to as correct, due and unpaid, and approved for payment by the Alabama State tax commission. Provided that no warrant be drawn under this act unless approved by the Governor.

3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due or should be paid and shall make an award in writing to the Governor as to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained is due or should be paid, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 28, 1915.

No. 785.)

(H. 1527—Vaughn.

AN ACT

To appropriate the sum of \$327.21 to pay the Remington Typewriter Company, a corporation, for work and material furnished departments of the State government.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of \$327.21 is hereby appropriated to pay the Remington Typewriter Company, a corporation, for work and material furnished departments of the State government in the State capitol during the years 1912, 1913 and 1914, and the State auditor is hereby authorized to draw a warrant upon the State treasury for said amount in favor of said Remington Typewriter Company, provided no warrant shall be drawn until this claim shall be approved by the Governor.

Sec. 2. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the Governor as to the amount so due, and the said Governor shall in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 25, 1915.

No. 786.)

(H. 1548—Weakley.

AN ACT

To authorize the court of county commissioners or boards of revenue of counties in this State which now have or which may hereafter have a population of two hundred thousand or more, according to the last preceding Federal census, or any subsequent Federal census to employ a chief clerk and assistant clerks, and fix their compensation.

Be it enacted by the Legislature of Alabama:

1. That the courts of county commissioners or boards of revenue of counties in this State which now have or which may hereafter have a population of two hundred thousand or more according to the last preceding Federal census or any subsequent Federal census, shall have power and authority to employ a chief clerk and as many assistant clerks as are necessary for

the convenient and orderly transaction of the business of such courts or boards, and fix and determine the amount of compensation to be paid to such clerk and assistants as in the discretion of such courts shall be reasonable compensation for the services required of such chief clerk and assistants.

2. That all laws and parts of laws in conflict herewith, either local, special or general, be and the same are hereby repealed.

Approved September 25, 1915.

No. 789.)

AN ACT

(H. 1686—Thompson.

To permit county commissioners in any county of Alabama which has or may hereafter have 1,575 square miles to succeed themselves in office if they are properly qualified and elected.

Be it enacted by the Legislature of Alabama:

1. That on and after the approval of this act, county commissioners in any county of Alabama which has or may hereafter have 1,575 square miles may succeed themselves in office if properly qualified and elected. To provide further that the provisions of this act shall apply in any commissioners district of said counties only when a majority of the qualified electors of said district, based upon the last prior general election therein, have petitioned the probate judge of such county in the interest of said county commissioner. To provide further that if any section of this bill is declared unconstitutional it shall not nullify any other section.

2. All local, general or special laws in conflict herewith are expressly repealed.

Approved September 28, 1915.

No. 790.)

AN ACT

(H. 1530—Sorrell.

For the relief of J. L. Reeves, former clerk of the circuit court of Tallapoosa county.

Whereas, J. L. Reeves, former clerk of the circuit court of Tallapoosa county received as such clerk the sum of \$90.00 as solicitor's fees in the cases of three defendants, to-wit: Daub Heard, Sam Heard and Pig Heard \$30.00 in each of said cases,

said parties each being convicted at the Spring Term, 1910, of said circuit court of the offense of violating the prohibition laws, which said sum of \$90.00 was paid by the said J. L. Reeves to the State of Alabama. And whereas, the prosecution of each of said cases was begun in the county court of said county, and were brought to the circuit court, by the defendants, respectively, by appeal from conviction in said county court; and whereas, T. H. Watkins who was county solicitor of said county and who prosecuted each of said defendants in the said county court, was entitled by law to one-half of each of said solicitors' fee, making in the aggregate the sum of \$45.00; and whereas, the said J. L. Reeves, who had erroneously paid the whole of said fees to the State was required to pay, and did pay the said T. H. Watkins as county solicitor, the sum of \$45.00, his portion of said fees, which sum has never been paid to said J. L. Reeves, therefore:

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of \$45.00 is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of paying to the said J. L. Reeves the sum of \$45.00, the money erroneously paid by him to the State; and the auditor is authorized and directed to draw his warrant on the treasurer in favor of said J. L. Reeves for said sum of forty five dollars.

Sec. 2. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history, shall be and constitute a commission whose duty it shall be to ascertain how much is due, and the said Governor shall, in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 25, 1915.

No. 791.)

AN ACT

(H. 1424—Whorton.

To prescribe, fix and regulate contracts of sale for future delivery of stocks, bonds and other commodities, and to make the contract of sale of cotton for future delivery conform with the acts of Congress approved August 18th, 1914, and known as the "United States Cotton Future Act" (including such amendments as may hereafter be made to said act of Congress), and for the punishment of a violation thereof."

Be it enacted by the Legislature of Alabama:

Section 1. That for the purposes of this act, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. That the word "person" wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships and corporations.

Sec. 2. That all contracts of sale for the future delivery of any commodity, stock or bond, wherein the parties thereto do not intend a delivery of the article contracted for, but do intend to gamble upon the difference between the contract price and some subsequent market price, shall be illegal and void and no action shall be maintained in any court to enforce such contract not to compel payment of any note or security given in payment or settlement of same.

Sec. 3. That any person, either as agent or principal, who enters into or assists in making any contract of sale for the future delivery of any commodity, stock or bond, wherein no delivery is intended by the parties thereto, and uses as a basis, for fixing the price or prices in said contract, the bona fide sales made on any exchange or board of trade, without making a bona fide execution of such contract on such exchange or board of trade, shall be guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not to exceed one thousand dollars or to be imprisoned in the penitentiary not exceeding two years and any person or persons who shall be guilty of a second offense under this statute, in addition to the penalty above described, may, upon conviction, be both fined and imprisoned in the discretion of the court, and if a corporation, it shall be liable to forfeiture of all its rights and privileges as such, and the continuance of such establishment after the first conviction shall be deemed a second offense."

Sec. 4. Proof of the fact that any contract for the future delivery of cotton was not made subject to the act of Congress approved August 18, 1914, and known as the United States Cotton Future Act (including such amendments as may hereafter be made to said act of Congress) shall be prima facie evidence of an illegal contract declared void by the preceding sections.

Sec. 5. That every person shall furnish upon demand, to any principal for whom such person has executed any order for the actual purchase or sale of any commodities, stocks, or bonds, for future delivery, a written statement containing the names of the persons from whom such property was bought, or to whom it

has been sold, as the fact may be, the time when, the place where, and if said person shall refuse or neglect to furnish such statement within 24 hours after such demand such refusal or neglect shall be prima facie evidence that such purchase or sale was an illegal contract declared void by section 3 of this act.

Sec. 6. That all laws and parts of laws in conflict with the provisions of the United States law referred to in section 4 of this act are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after the date of its passage.

Approved September 25, 1915.

No. 796.)

(H. 1381—Carmichael.

AN ACT

To amend an act entitled "An act to amend section 4546 of the Code of Alabama of 1907," approved April 24, 1911.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "an act to amend section 4546 of the Code of Alabama of 1907," approved April 24, 1911, be amended so as to read as follows: Before granting certificates of authority to any insurance company to issue policies or make contracts of insurance, the insurance commissioner shall be satisfied, by such examination and evidence as he sees fit to make and require, that such company is duly qualified under the laws of the State, to transact such business therein. As often as once in two years the insurance commissioner shall personally, or by his deputy or some competent person appointed by him for that purpose, visit each domestic insurance company and examine its affairs, especially as to its financial condition and ability to fulfill its obligations, and whether it has complied with the law. He shall make also an examination of any such company whenever he deems it prudent to do so. He shall also make an examination of any such company upon the request of five or more stockholders or five or more persons pecuniarily interested therein, who shall make affidavit of their belief, with specifications of their reasons therefor, that such company is in unsound condition, if in the opinion of the insurance commissioner such examination is necessary. Whenever he deems it prudent for the protection of policy holders in this State, and believes that any company authorized to do business in this State has violated any of the provisions of this article.

he shall, in like manner, visit and examine, or cause to be visited and examined, by some competent person or persons he may appoint for that purpose any foreign insurance company applying for admission or already authorized to do business by agencies in this State.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved September 28, 1915.

No. 797.)

(H. 287—Fite.

AN ACT

To amend section 4237 of the 1907 Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That section 4237 of the 1907 Code of Alabama be, and the same hereby is, amended as follows: "4237. Exception to waiver.—No waiver of exemption in any written instrument shall be held to apply to or include or authorize the levy of an execution or attachment on any of the following property—cooking utensils, cooking stoves, table, tableware, chairs, beds and bed clothing in actual use by the family, wearing apparel, meal not exceeding one hundred pounds, lard not exceeding fifty pounds, meal and flour not exceeding ten bushels, or if no meal or flour, corn or wheat not exceeding ten bushels, ten bushels of irish or sweet potatoes, ten gallons of syrup, and one cow and calf, to be selected by the debtor, for any debt contracted after the adoption of this Code."

Approved September 28, 1915.

No. 798.)

(H. 940—Lee.

AN ACT

To appropriate the sum of three hundred dollars, out of the fund of the department of agriculture, provided by section 52 of the Code, to pay Emmet A. Jones for work as a clerk in the department of agriculture.

Be it enacted by the Legislature of Alabama:

1. That there is hereby appropriated out of the fund in the State treasury for the expense of the department of agriculture, provided by section 52 of the Code, the sum of three

hundred dollars to pay the salary of Emmet A. Jones for his services as clerk in the department of agriculture from March 5th to April 30th, 1915.

2. Upon the approval of this act, the auditor is hereby authorized and directed to draw his warrant on the State treasury and against the fund aforesaid for the said sum of three hundred dollars, and deliver the same to Emmet A. Jones in full satisfaction for his services as chief of said bureau during the time mentioned.

Approved September 25, 1915.

No. 799.)

(H. J. R. 266—Shapiro.

HOUSE JOINT RESOLUTION

Commendatory of the work of the Alabama State department of archives and history.

In order to make formal record of the importance and value of the reference service, including bill-drafting, performed by the Alabama State department of archives and history during the current session, and in appreciation of the work of its officials and employees, and by way of encouragement to larger growth and usefulness for the future,

Be it resolved by the Legislature of Alabama :

1. That its unreserved endorsement and approval is hereby given the work of the department of archives and history, and particularly the activities popularly known as reference work, a service which has brought to the assistance of members both of the Senate and House of Representatives, ready and reliable information, statistics, digests, and surveys on the hundreds of difficult subjects presented for consideration during the session, a service which has also afforded members expert aid in the drafting of bills, and in numerous other ways has contributed to a better performance of legislative duties.

2. That it is the sense of this Legislature that the research, extension and reference service of the department be further enlarged and developed so that future Legislatures may be still better served ; and that the people of the State be encouraged to make use of the practically unlimited historical and reference resources of the department.

3. That the members hereby tender to the director, Dr. Thomas M. Owen, and to the entire staff of the department,

grateful acknowledgment and appreciation of their very acceptable service, their unfailing courtesy, and the zeal, intelligence and enthusiasm with which they perform their duties.

Adopted by the House September 25, 1915.

Adopted by the Senate September 25, 1915.

No. 801.)

AN ACT

(H. 1662—Knight.

To repeal an act entitled "An act to regulate the proceedings of justices of the peace, and notaries public, with powers of justices of the peace, in all criminal proceedings," approved August 2, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That an act entitled "An act to regulate the proceedings of justices of the peace, and notaries public with powers of justices of the peace, in all criminal proceedings," approved August 2, 1915, be, and the same is, hereby repealed.

Approved September 28, 1915.

No. 802.)

(H. J. R. 265—Davis.

HOUSE JOINT RESOLUTION.

Whereas, several of the bills prepared by the Recess Judiciary Committee, are now laws, and it is the duty of the courts to enforce them,—Now, therefore,

Be it resolved by the House, the Senate concurring, that the clerk of the House, and the secretary of the Senate cause to promptly be published in pamphlet form, and delivered to the officers and persons of the State entitled to receive free the Acts of the Legislature the said laws commonly known as the Recess Judiciary Bills.

Adopted by the House September 25, 1915.

Adopted by the Senate September 25, 1915.

No. 803.)

(H. J. R. 264—Tunstall.

HOUSE JOINT RESOLUTION.

Whereas, there appears to be some uncertainty as to whether or not automobile and motorcycle tags, chauffeurs' licenses,

and supplies and stationery are required to be purchased by the State board of equalization or by the State purchasing agent, and

Whereas, a delay in the purchase of automobile and motorcycle tags, chauffeurs' licenses, stationery and supplies for the immediate use of the State board of equalization would result in material loss to the State and delay in the collection of automobile and motorcycle licenses, and the want of such supplies and stationery for immediate use would greatly embarrass and delay the State board of equalization in the performance of its duties, therefore,

Be it resolved by the House, the Senate concurring, that the State board of equalization be and is hereby authorized, empowered and instructed to proceed immediately to purchase such automobile and motorcycle tags, chauffeurs' licenses, stationery and supplies as are necessary for its immediate use.

Adopted by the House September 25, 1915.

Adopted by the Senate September 25, 1915.

No. 805.)

(H. 1162—Fite of Tuscaloosa.

AN ACT

To authorize the recording of affidavits relating to lands in certain instances, and to make said affidavits, or certified copies of the record thereof, evidence sufficient prima facie to establish the facts therein recited.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That any party or parties may file for record affidavits showing the relationship of parties to conveyances to lands, or the relationship of parties to conveyances with other parties whose names are shown in the chain of title to lands, and showing whether or not any person or persons connected with the chain of title was married or single at the time of the execution of any conveyance, or whether the lands embraced in any conveyance constituted a part of the homestead of any grantor, and whether lands embraced in any conveyance have been in actual possession of any parties connected with the chain of title to either the surface or mineral of lands, or any other persons, and affidavits relating to the identity of parties whose names may be shown differently in chains of title, and

the record of said affidavits when so recorded shall be notice of the facts therein recited.

Sec. 2. In any litigation over any of the lands referred to and described in any of such affidavits in any court in the State of Alabama, or in any proceeding in any such court involving the title to said lands wherein the facts recited in such affidavits may be material, the said affidavits, or certified copies of the record thereof, shall be admissible as evidence of the facts therein recited and shall be sufficient to prima facie establish such facts. Provided, however, that the said affidavits, or certified copies thereof shall only be admissible as evidence in the event the parties making the affidavits are deceased or are non-residents of the State of Alabama, or their residence unknown to the parties offering the affidavits, or such parties are too old, infirm or sick to attend court, or are females.

Sec. 3. The affidavits herein above referred to shall be filed by the probate judge of the county where offered for filing, and by him recorded and indexed in deed records as conveyances of lands are recorded and indexed, and he shall receive the same compensation therefor as for recording deeds to lands.

Sec. 4. All laws and parts of laws in conflict with any of the provisions hereof are hereby repealed.

Approved September 28, 1915.

No. 808.)

AN ACT

(H. 86—Lavery.)

To provide for the establishment and maintenance of an industrial school for white blind men; to make an appropriation for the establishment and maintenance of said school; to provide for the appointment of a board of trustees to manage said school and to define the objects of same.

Be it enacted by the Legislature of Alabama:

1. There is hereby established and created an Industrial School for White Blind Men. The board of trustees herein provided for shall decide as to where said school shall be located, but in determining location, the said board shall have in view facilities for carrying out the object of said school.

2. Within two months from the passage of this act the Governor shall appoint a board of trustees for said school consisting of seven members, two of whom may be women, and not less than two of said trustees must reside at the place where said school

is located. The terms of the members of said board first appointed shall be as follows: one for seven years, one for six years, one for five years, one for four years, one for three years, one for two years, and one for one year commencing from the date of their appointment, and thereafter upon the expiration of the term of a member of said board, his or her successor shall be appointed for a term of seven years. The trustee appointed for seven years shall be the president of the board. Appointments to fill vacancies caused by resignations, death or otherwise, before the expiration of such terms shall be made for the residue of such terms in the same manner as herein provided for original appointments.

3. The members of said board may at any time be removed by the Governor for good cause.

4. The persons appointed as trustees as herein provided are hereby made a body corporate with the rights of succession forever by the name of Industrial School for White Blind Men, and such corporation may acquire and hold property, real and personal, by gift, devise or any other manner, for the purpose of its creation; may sue and contract; may have and use a common seal, break or alter the same at pleasure; and may have all the powers necessary and proper to accomplish the purposes of this act.

5. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. Said board shall have the entire management and control of such institution.

6. A majority of such board may act and may meet and adjourn from time to time as in their judgment the interests of the institution may require. They must appoint a secretary and keep a complete record of all their proceedings in a well bound book, and they shall also appoint a treasurer, who shall not be a trustee, who shall give bond in such amount as the board may determine, and with such sureties as they may deem sufficient, for the faithful discharge of his duties as such treasurer, and he and his sureties shall be responsible for all funds which may come into his hands by virtue of his office.

7. The treasurer must pay over such funds as may come into his hands as such as may be prescribed by the board, and the treasurer shall make a full report at the close of the fiscal year, and oftener if required by the Governor.

8. The board must appoint from their number a president, and they must also appoint a superintendent for such institution, who may nominate to the board such other assistants in

the institution as he may think necessary for the successful management, such board having power of confirmation or rejection. The board may fix the amount and compensation for each of the officers and teachers and the time and payment.

9. The object of such school shall be to afford a means of industrial education for the adult white blind men of this State. All blind white men of the State over the age of twenty-one years who are of sound mind, free from disease and of good character may be admitted to the benefits of this school. All applicants must make satisfactory proof to the board of trustees that they are citizens of the State and that they are proper candidates for admission. Proof may be made by the applicant in person or by affidavit or any person cognizant of the facts, before the probate judge or a notary public. No pupil shall be retained in school after it has been ascertained that such pupil has ceased to make progress or is not being benefited. Any pupil may be dropped by the board of trustees for cause. The length of time which any pupil may continue in school, shall not exceed five years. Said school shall teach embossed reading and various trades and, soon as practicable, furnish work in shops for blind men who have learned trades.

10. Said board shall be authorized to make such rules and regulations for the management and control and conduct of said school as said board may deem necessary.

11. The board may select from their number an executive committee of three, subject to change and removal by the majority of the board at any time, and such committee is authorized to meet and transact any business that may be transacted by the board. Whatever acts said committee may do shall be considered as done by the whole board.

12. As an initial appropriation for the site, and erection and furnishing of the necessary buildings for said school, the sum of ten thousand dollars is hereby appropriated, out of such funds not otherwise appropriated, such appropriation to be available on and after February the first, 1917. The said board is hereby authorized to purchase the necessary site, to contract for the erection and maintenance of the necessary buildings, and to do all other things necessary to carry out the purposes of this act. The said appropriation to be paid out of the State treasury upon warrants signed by the president of the board, and countersigned by the secretary and treasurer.

13. For the maintenance, support and conduct of said school the sum of one hundred dollars per pupil is hereby annually appropriated out of any money in the treasury not

otherwise appropriated, such appropriation to be based on the number of pupils enrolled on the first day of January each year, and to be drawn quarterly in advance by the treasurer of the board and disbursed as directed by said board, but shall not exceed the sum of ten thousand dollars a year.

14. The board of trustees must provide good and sufficient insurance payable to the State of Alabama upon the property of the school and shall keep and maintain such property in good repair and for this purpose there is annually appropriated the sum of one thousand dollars, to be drawn as appropriations for the institute are drawn. Such appropriations shall be expended only for the purposes herein specified.

Approved September 28, 1915.

No. 809.)

(H. 1575—Davis.

AN ACT

To authorize persons who have practiced dentistry or dental surgery in the State of Alabama for twenty years or more, to practice the same.

Be it enacted by the Legislature of Alabama:

1. That all persons who have practiced dentistry or dental surgery in this State for a period of twenty years or more, shall be permitted to continue in the practice of the said profession without being required to obtain a license from the board of dental examiners of Alabama.

2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved September 25, 1915.

No. 812.)

(H. 1277—Wilson.

AN ACT

To amend sections 811, 812, 813, 814, 815, 818 and 819 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That section 811 of the Code of Alabama be amended so as to read as follows: 811. State board of horticulture; how formed.—The commissioner of agriculture and industries, the president of the Alabama State Horticultural Society, the ranking Alabama officer of the Gulf Coast Horticul-

tural Society, the director of the experiment station of the Alabama Polytechnic Institute, the State horticulturist with the etymologist and plant pathologist of the Alabama Experiment Station at Auburn as advisory members shall constitute a board to be known as the State board of horticulture, of which the commissioner of agriculture and industries shall be chairman, which board shall have full power to enact such rules and regulations governing the examination, certification, sale, transportation, and introduction of trees, shrubs, cuttings, buds, vines, bulbs, and roots, and the planting and growing of such in nurseries, orchards, and on premises of every kind and nature in this State, that they may deem necessary to prevent the further introduction, existence, increase, and dissemination of insect pests and plant diseases.

Sec. 2. Be it further enacted by the Legislature of Alabama, That section 812 of the Code of Alabama be amended so as to read as follows: 812. State horticulturist. The professor of horticulture of the Alabama Polytechnic Institute shall be the State horticulturist and secretary of the State board of horticulture with such clerical assistance as in the opinion of the board is needed by him. The board shall promulgate rules and regulations in accordance with this chapter for the government of the State horticulturist in the duties devolving upon him in the execution of the provisions of this chapter.

Sec. 3. Be it further enacted, that section 813 of the Code of Alabama be amended so as to read as follows: 813. Expense defrayed. There is hereby annually appropriated the sum of five thousand dollars to be disbursed under the direction of the State board of horticulture, but no disbursements shall be made except for the purpose of defraying the expenses in the execution of the provisions of this chapter.

Sec. 4. Be it further enacted by the Legislature of Alabama, that section 814 of the Code of Alabama be amended so as to read as follows: 814. Treatment of infested trees or plants. The State horticulturist or a deputy duly authorized by the board of horticulture, shall under the regulations of the board of horticulture, visit any section of the State where such pests or diseases are supposed to exist, and to determine whether the infested or diseased trees or plants are worthy of remedial treatment or shall be destroyed, and on visiting and discovering such diseased or infested trees or plants he shall if he deem it necessary—as in the case of highly infectious plant diseases and communicable insect infestations—attach to each

infected plant or planting or at the principle entrance of said infected property or planting a tag or card of a kind of material that will withstand the weather conditions for a period of at least ninety days and which tag may be replaced from time to time until the said trees or plants have been treated, freed from said infection or destroyed, and upon such tag, in indelible markings, shall be noted the approximate extent of infection on said farm, nursery, or orchard, the name by which the disease is known, and such other words, or instructions, of a quarantine nature as the State board of horiculture shall deem to be necessary to prevent the spread of the infection or infestation to other trees, plantings or orchards than those originally found to be infected on said farm, nursery or property. And such tag, or card shall not be removed, altered, nor defaced by the owner, tenant, or manager of said farm or any other person, unless authorized to do so by the State horticulturist, and he shall immediately report his findings in writing giving reasons therefor to the owner of the infected or diseased plantation, his agents or tenants and a copy of each report shall also be submitted to the State board. Any person or persons who shall remove, deface, or alter the said tag or card after the same has been affixed as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars. In case of objections to the findings of the State horticulturist or his deputy, an appeal may be made to the State board, who shall have the power to summon witnesses and hear testimony on oath and its decision shall be final. An appeal must be taken within ten days and shall act as a stay of proceedings until it is heard and decided. In case of an appeal by the owner of any nursery, orchard or plantation to the State board of horticulture, the State shall pay the cost of the proceedings in the event that the owner shall win his appeal, and the appellant shall pay said cost in the event his appeal is not sustained, and the said cost shall constitute a lien against the property of said owner and may be collected in the manner provided in section 5, of the act amending section 815 of the Code of Alabama.

Sec. 5. Be it further enacted that section 815 of the Code of Alabama be amended so as to read as follows: 815. Cost of treatment by owner.—Upon the findings of the State horticulturist or his deputy in any case of infested or diseased trees or plants, the treatment prescribed by him shall be executed at

once (unless an appeal be taken), under his supervision, the cost of labor and material shall be borne by the owner; provided, however, that in case the trees or plants shall be condemned, they shall be destroyed by the State horticulturist or his deputy and the expense of such action shall be borne by the owner, which expense, whether of treatment or destruction, and the owner shall pay such expenses within thirty days; if such owner shall fail to pay all such expenses within such time, the solicitor of such county shall bring suit in the name of the State for the recovery of the same and when judgment is recovered and collected the fund shall be paid into the fund belonging to said board from which said expenses shall have been paid.

Sec. 6. Be it further enacted that section 818 of the Code of Alabama be amended so as to read as follows: 818.—Preventing introduction of pests.—The State board of horticulture shall adopt rules and regulations, not inconsistent with the laws and constitution of this State and of the United States for the preventing the introduction of dangerously injurious crop pests and diseases of all kinds from without the State, for preventing the existence of such pests or diseases on any premises of whatever nature and kind in this State, for the preventing of the existence of infested or diseased plants, trees or shrubs that are hosts for said pests or diseases, when same are in the counties wherein the said pests or diseases are already in existence, or regarding the dissemination of crop pests and diseases within the State, and for the governing of common carriers in transporting plants liable to harbor such pests or diseases, to and from and within the State and such regulations shall have the force of laws.

Sec. 7. Be it further enacted that section 819 of the Code of Alabama be amended so as to read as follows: 819. Issuance of bulletins.—The members of said board, any two of whom shall constitute a quorum, shall from time to time, draw up and promulgate, through the press of the State, or in bulletins or both, rules and regulations necessary to carry into full and complete effect the provisions of this chapter, carefully defining what diseases or maladies, both insect and fungus, shall constitute infestation in trees and plants within the meaning and purview thereof, and what plants, trees or shrubs are hosts for the various pests and diseases in the counties of the State in which the respective pests or diseases have an existence.

Approved September 28, 1915.

No. 813.)

(H. 1106—Lapsley.

AN ACT

To provide for the discovery of assets of judgment debtors, and to facilitate the enforcement of collection of judgment in courts of law or equity in this State.

Be it enacted by the Legislature of Alabama:

Section 1. That after the return of an execution, issued by any court, law or equity, in this State upon a judgment or decree against any person, or persons residing in this State, or against a firm doing business in this State, when a member or members thereof reside in this State; or against a corporation doing business in this State, with the endorsement upon such execution of "No property found"; upon the written request of the judgment creditor filed with the clerk or register, such clerk or register of such court shall issue a notice to the person, firm or corporation against whom such execution shall have been so returned, requiring such person, persons, member or members of such firm, or corporation through a duly authorized agent, to file in such court within thirty days from the service of such notice, a statement in writing, under oath, of all of the assets of such person, firm or corporation, including money, choses in action, notes, bonds, and accounts, and all other property, real, personal or mixed or any interest therein, with a detailed description of the same, the location and reasonable value of each item thereof, together with a detailed list or statement of any and all liens, mortgages, or encumbrances thereon showing the amounts due upon each, and the owner or holder of such liens, mortgages or encumbrances.

Sec. 2. That after filing in court of such statement and such judgment remaining unsatisfied, upon the filing in said court by the judgment creditor, or the attorney of record for such judgment creditor, of an affidavit stating that such statement to the best of affiant's knowledge, information and belief does not contain a full, true and correct statement and description of such assets as required herein, the court shall make an order requiring such judgment debtor, or debtors when the judgment is against a person or firm, or the agent or agents of such debtor corporations to appear before such court on a day to be set by the court, not less than ten days notice, of which order shall be served upon such judgment debtor, to submit to an oral examination, under oath, touching the nature, location, description, and value of such assets; and to this end may re-

quire the production by such judgment creditor of any and all papers, documents or books which may contain material evidence of such assets.

Sec. 3. That a wilful refusal to file such statement as herein provided for, or to appear and submit to such oral examination, shall constitute a contempt of court, and the person so adjudged by the court to be guilty of such contempt may be punished within the discretion of the court as now provided by law in cases of contempt of court.

Sec. 4. That the costs of the proceeding herein provided for shall, be taxed as other costs in the case, provided that the court may within its discretion tax the same against either party or apportion the same among such parties.

Sec. 5. That the remedy herein provided shall be held and construed to be in addition to any existing remedy or process now or hereafter provided by law in such cases for the discovery of assets or the enforcement of collection of judgment.

Approved September 28, 1915.

No. 814.)

(H. 392—Carmichael of Colbert.

AN ACT

To prescribe the time within which proceedings for the disbarment of an attorney-at-law must be begun.

Be it enacted by the Legislature of Alabama:

Section 1. That all proceedings in any court of this State to disbar any attorney authorized to practice law in this State must be begun within three years after the act made the basis of such proceedings shall have been committed.

Sec. 2. That all laws and parts of laws, either general, special or local, in conflict with this act be and the same are hereby repealed.

Approved September 28, 1915.

No. 815.)

(H. 44—John.

AN ACT

To make it unlawful to allow, assist or abet in the escape of patients from either of "The Alabama Insane Hospitals."

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act, it shall be unlawful for any officer, servant or employee of either of "The Alabama Insane Hospitals," or any other person, to allow, assist or abet in the escape of any patient confined in either of "The Alabama Insane Hospitals." That any officer, servant or employee of either of "The Alabama Insane Hospitals," or any other person, who shall violate this act, upon conviction thereof shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred (\$100.00) dollars, and may be punished by imprisonment in the county jail or at hard labor for the county not exceeding ninety (90) days, the imprisonment to be at the discretion of the judge trying or presiding over the trial of the cause.

Approved September 28, 1915.

No. 816.)

AN ACT

(H. 1409—Carmichael.

To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt, and for the public schools.

Be it enacted by the Legislature of Alabama:

EXECUTIVE DEPARTMENT.

1. That the several sums of money or so much of every sum as may be necessary, be and the same are hereby appropriated for the purposes hereinafter specified, to be paid out of any money in the State treasury, for the fiscal years ending respectively on the 30th day of September, 1916, 1917 and 1918:

(1) For compensation of the Governor, seven thousand five hundred dollars (\$7,500.00) for every year.

(2) For compensation of the secretary to the Governor, three thousand dollars (\$3,000.00) for every year.

(3) For compensation of a recording secretary to the Governor, one thousand five hundred dollars (\$1,500.00) for every year.

(4) For compensation of a filing clerk to the Governor, one thousand five hundred dollars (\$1,500.00) for every year.

(5) For compensation of a stenographer and messenger in the executive office, nine hundred dollars (\$900.00) for every year.

(6) For compensation of four watchmen at the capitol, nine hundred dollars (\$900.00) each for every year.

(7) For compensation of four servants in the executive offices and departments four hundred and twenty dollars (\$420.00) each for every year.

(8) For compensation of the secretary of State, three thousand dollars (\$3,000.00) for every year.

(9) For compensation of chief clerk in the secretary of State's office, one thousand eight hundred dollars (\$1,800.00) for every year.

(10) For compensation of the stenographer in the secretary of State's office, nine hundred dollars (\$900.00) for every year.

(11) For compensation of the State auditor, three thousand dollars (\$3,000.00) for every year.

(12) For compensation of the chief clerk in the State auditor's office, one thousand eight hundred dollars (\$1,800.00) for every year.

(13) For compensation of the warrant clerk in the State auditor's office, one thousand eight hundred dollars (\$1,800.00) for every year.

(14) For compensation of the land clerk in the State auditor's office, one thousand eight hundred dollars (\$1,800.00) for every year.

(15) For compensation of the deputy pension commissioner in the State auditor's office, one thousand five hundred dollars (\$1,500.00) for every year.

(16) For compensation of the general bookkeeper in the State auditor's office, one thousand five hundred dollars (\$1,500.00) for every year.

(17) For compensation of the filing clerk in the State auditor's office, one thousand two hundred dollars (\$1,200.00) for every year.

(18) For compensation of the stenographer in the State auditor's office, nine hundred dollars (\$900.00) for every year.

(19) For compensation of the State treasurer, three thousand dollars (\$3,000.00) for every year.

(20) For compensation of the chief clerk in the State treasurer's office, one thousand eight hundred dollars (\$1,800.00) for every year.

(21) For compensation of one assistant clerk in the State treasurer's office, one thousand five hundred dollars (\$1,500.00) for every year.

(22) For compensation of a second assistant clerk in the State treasurer's office, one thousand five hundred dollars (\$1,500.00) for every year.

(23) For compensation of the third assistant clerk in the State treasurer's office, one thousand two hundred dollars (\$1,200.00) for every year.

(24) For compensation of a stenographer in the State treasurer's office, nine hundred dollars (\$900.00) for every year. For opening the safe in the treasury, repairing the same, putting a time lock on outer door of vault and a cement floor in the vault—five hundred dollars, or so much thereof as may be necessary.

(25) For compensation of the attorney general, three thousand dollars (\$3,000.00) for every year.

(26) For compensation of the first assistant attorney general, one thousand eight hundred dollars (\$1,800.00) for every year.

(27) For compensation of the second assistant attorney general, one thousand five hundred dollars (\$1,500.00) for every year.

(28) For compensation of the stenographer in the attorney general's office, nine hundred dollars (\$900.00) for every year.

(29) For the use of the attorney general in meeting the expenses incident to the repair and better equipment of the several offices of the attorney general and his assistants, the sum of seven hundred and fifty dollars (\$750.00), to be expended wholly during the fiscal year ending September 30, 1916.

(30) For compensation of the superintendent of education, three thousand dollars (\$3,000.00) for every year.

(31) For compensation of the chief clerk in the superintendent of education's office, one thousand eight hundred dollars (\$1,800.00) for every year.

(32) For compensation of two additional clerks in the superintendent of education's office, one thousand five hundred dollars (\$1,500.00) each for every year.

(33) For compensation of the stenographer in the superintendent of education's office, nine hundred dollars (\$900.00) for every year.

(34) For compensation of chief mine inspector, three thousand dollars (\$3,000.00) for every year.

(35) For compensation of six associate mine inspectors, two thousand dollars (\$2,000.00) each for every year.

(36) For expenses of mine inspectors, ten thousand dollars (\$10,000.00) for every year.

(37) For compensation of one stenographer in the department of archives and history, nine hundred dollars (\$900.00) for every year.

(38) For compensation of the commissioner of agriculture and industries, three thousand dollars (\$3,000.00) for every year.

(39) For compensation of the chief clerk in the department of agriculture and industries, one thousand eight hundred dollars (\$1,800.00) for every year.

(40) For compensation of the assistant in the department of agriculture and industries, one thousand five hundred dollars (\$1,500.00) for every year.

(41) For compensation of one stenographer for the department of agriculture and industries, nine hundred dollars (\$900.00) for every year.

(42) For compensation of the adjutant general, two thousand dollars (\$2,000.00) for every year.

(43) For compensation of one clerk in the adjutant general's office, one thousand two hundred dollars (\$1,200.00) for every year.

(44) For compensation of inspector of jails, almshouses, four thousand dollars (\$4,000.00) for every year.

(45) For compensation of the chief clerk to the inspector of jails, almshouses, one thousand eight hundred dollars (\$1,800.00) for every year.

(46) For compensation of two deputy inspectors to the inspector of jails, one thousand five hundred dollars (\$1,500.00) each for every year.

(47) For compensation of the stenographer to the inspector of jails, almshouses, etc., nine hundred dollars (\$900.00) for every year.

(48) For compensation of one clerk to the State board of health, one thousand two hundred dollars (\$1,200.00) for every year.

(49) For compensation of the president of the railroad commission, three thousand five hundred dollars (\$3,500.00) for every year.

(50) For compensation of two associate railroad commissioners, three thousand dollars (\$3,000.00) each for every year.

(51) For compensation of one secretary to the railroad commission, two thousand four hundred dollars (\$2,400.00) for every year.

(52) For compensation of one stenographer to the railroad commission, one thousand two hundred dollars (\$1,200.00) for every year.

(53) For compensation of expert help for the railroad commission, five thousand dollars (\$5,000.00) for every year.

(54) For expenses of the railroad commission, one thousand dollars (\$1,000.00) for every year.

(55) For compensation of the superintendent of banks, three thousand six hundred dollars (\$3,600.00) for every year.

(56) For compensation of four bank examiners, one thousand eight hundred dollars (\$1,800.00) each for every year.

(56½) For compensation of the banking board, twenty-four hundred dollars (\$2,400.00) or so much thereof as may be necessary.

(57) For compensation of office assistant to superintendent of banks, one thousand dollars (\$1,000.00) for every year.

(57½) For hotel and traveling expenses of the superintendent of banks and his assistants when they are in the discharge of their duties, seven thousand two hundred dollars, (\$7,200.00) or so much thereof as may be necessary.

(58) For compensation of one stenographer to superintendent of banks, nine hundred dollars (\$900.00) for every year.

(59) For compensation of the chairman of the State board of equalization, the sum of three thousand dollars (\$3,000.00) for every year.

(60) For compensation of two associate members of the State board of equalization, three thousand dollars (\$3,000.00) each for every year.

(61) For the ordinary expenses and conduct of the department of archives and history, to be expended by the director so as to develop in the fullest and broadest manner the several activities and needs of the department, the additional sum of six thousand dollars (\$6,000.00) for every year.

JUDICIARY DEPARTMENT.

2. That there is hereby appropriated, for the purposes hereinafter specified, to be paid out of any money in the State treasury, the following sums of money for the fiscal years ending respectively on the 30th day of September, 1916, 1917 and 1918, except where a different period is hereinafter expressly named:

(1) For compensation of the chief justice and the six associate justices of the Supreme Court, five thousand dollars (\$5,000.00) each for every year.

(2) For compensation of the presiding judge and two associate justices of the Court of Appeals, five thousand dollars (\$5,000.00) each for every year.

(3) For compensation of the clerk of the Supreme Court, three thousand six hundred dollars (\$3,600.00) for every year.

(4) For compensation of the clerk of the Court of Appeals two thousand five hundred dollars (\$2,500.00) for every year.

(5) For compensation of marshal and librarian of the Supreme Court, two thousand dollars (\$2,000.00) for every year.

(6) For compensation of the assistant librarian of the Supreme Court, one thousand dollars (\$1,000.00) for every year.

(7) For compensation of two secretaries of the Supreme Court, two thousand dollars (\$2,000.00) each for every year.

(8) For compensation of the secretary of the Court of Appeals, one thousand six hundred dollars (\$1,600.00) for every year.

(9) For compensation of one clerk to the chief justice, one thousand two hundred dollars (\$1,200.00) for every year.

(10) For compensation of the reporter of the decisions of the Supreme Court and of the Court of Appeals, three thousand six hundred dollars (\$3,600.00) for every year.

(11) For compensation of the stenographer to the reporter of the decisions of the Supreme Court, nine hundred dollars (\$900.00) for every year.

(12) For compensation of one assistant clerk to the clerk of the Supreme Court, one thousand eight hundred dollars (\$1,800.00) for every year.

(13) For compensation of one stenographer to the clerk of the Supreme Court, nine hundred dollars (\$900.00) for every year.

(14) For compensation of one servant to the Supreme Court, four hundred and twenty dollars (\$420.00) for every year.

(15) For compensation of seventeen circuit judges, three thousand dollars (\$3,000.00) each for every year, from October 1, 1915, up to the first Monday after the second Tuesday in January, 1917.

(16) For compensation of thirty-six circuit judges, three thousand dollars (\$3,000.00) each for every year, from the first Monday after the second Tuesday in January, 1917, for the fiscal years ending respectively on the 30th day of September, 1917 and 1918.

(17) For compensation of five chancellors, three thousand and two hundred dollars (\$3,200.00) each for every year from October 1, 1915 to the first Monday after the second Tuesday in January, 1917.

(18) For compensation of one supernumerary judge, four thousand dollars (\$4,000.00) for every year from October 1, 1915 to the first Monday after the second Tuesday in January,

1917; and three thousand dollars (\$3,000.00) from the first Monday after the second Tuesday in January, 1917, for the fiscal years ending respectively on the 30th day of September, 1917 and 1918.

(19) For compensation of five judges of law and equity courts, two thousand five hundred dollars (\$2,500.00) each for every year from October 1, 1915 up to the first Monday after the second Tuesday in January, 1917.

(20) For compensation of two judges of law and equity courts, three thousand dollars (\$3,000.00) each for every year from October 1, 1915 up to the first Monday after the second Tuesday in January, 1917.

(21) For compensation of two judges of law and equity courts, one thousand eight hundred dollars (\$1,800.00) each for every year from October 1, 1915 to the first Monday after the second Tuesday in January, 1917.

(22) For compensation of thirteen judges of city courts, three thousand dollars (\$3,000.00) each for every year up to the first Monday after the second Tuesday in January, 1917.

(23) For compensation of one judge of a city court two thousand seven hundred and fifty dollars (\$2,750.00) for every year from October 1, 1915 up to the first Monday after the second Tuesday in January, 1917.

(24) For compensation of one judge of a city court, two thousand seven hundred dollars (\$2,700.00) for every year from October 1, 1915 up to the first Monday after the second Tuesday in January, 1917.

(25) For compensation of one judge of a city court, two thousand four hundred dollars (\$2,400.00) for every year from October 1, 1915 up to the first Monday after the second Tuesday in January, 1917.

(26) For compensation of fifteen circuit court solicitors, two thousand four hundred dollars (\$2,400.00) each for every year from October 1, 1915 for the fiscal years ending respectively on the 30th day of September, 1916, 1917, and 1918.

(27) For compensation of seven circuit court solicitors, two thousand four hundred dollars (\$2,400.00) each for every year from the date of their qualification, after being elected on the first Tuesday after the first Monday in November, 1916, for the fiscal years ending respectively on the 30th day of September, 1917 and 1918.

(28) For compensation of one county solicitor for Calhoun county, two thousand dollars (\$2,000.00) for every year, from

October 1, 1915 to the first Monday after the second Tuesday in January, 1917.

(29) For compensation of one solicitor for Lee county, one thousand eight hundred dollars (\$1,800.00) for every year from October 1, 1915 to the first Monday after the second Tuesday in January, 1917.

LEGISLATIVE DEPARTMENT.

3. That for the per diem and mileage of Senators and Representatives, for the payment of the officers and employees of the Senate and House of Representatives, and for the incidental expenses of the regular session of the Legislature of 1919, there is hereby appropriated one hundred thousand dollars (\$100,000.00).

MISCELLANEOUS APPROPRIATIONS.

4. That there is hereby appropriated, for the purposes hereinafter specified, to be paid out of any money in the State treasury, the following sums of money, for the fiscal years ending respectively on the 30th day of September, 1916, 1917, and 1918, unless for periods otherwise expressly declared herein:

(1) For insurance on the capitol, furnishings therein, the Supreme Court library, and the collections of the department of archives and history, five thousand dollars (\$5,000.00) for every year, to be expended only by and with the approval of the Governor.

(2) For the arrest of absconding felons, three thousand dollars (\$3,000.00) for every year.

(3) For the removal of prisoners, six thousand dollars (\$6,000.00) for every year.

(4) For distributing the public documents of the several executive, judicial and legislative departments of the State, one thousand dollars (\$1,000.00) for the fiscal year ending September 30, 1916, and eight hundred dollars (\$800.00) each for the fiscal years ending September 30, 1917 and 1918.

(5) For interest on the Agricultural and Mechanical College bonds (Alabama Polytechnic Institute), twenty thousand two hundred eighty dollars (\$20,280.00) for every year.

(6) For interest on the bonded debt of the State, three hundred and sixty thousand dollars (\$360,000.00) for every year.

(7) For stationery and office supplies, including typewriters, for the several executive offices, departments, commissions,

bureaus and boards, the Supreme Court, the Court of Appeals and the Supreme Court library, twenty thousand dollars (\$20,000.00) for every year.

(8) For fuel, light and water in the capitol, five thousand dollars (\$5,000.00) for every year.

(9) For repairing and refurnishing the capitol building and grounds, ten thousand dollars (\$10,000.00) for every year.

(10) For interest on the funds arising from sale of lands of the Alabama Girls' Technical Institute, twenty thousand dollars (\$20,000.00) for every year.

(11) For postage and post office box rent for the several executive offices, departments, commissions, bureaus and boards, the Supreme Court, the Court of Appeals and the Supreme Court library, five thousand dollars (\$5,000.00) for every year.

(12) For feeding prisoners in county jails \$200,000 for every year provided that \$70,000 of this annual appropriation shall only be paid when in the opinion of the Governor the condition of the treasury will permit.

(13) For interest on the 16th section fund, the valueless 16th section fund, the surplus revenue fund, and the school indemnity land fund, for the use of the public schools of the State, one hundred seventy-five thousand dollars (\$175,000.00) for every year.

(14) For interest on temporary loans of three hundred thousand dollars (\$300,000.00) to be disbursed annually only by and on the order of the Governor, eighteen thousand dollars (\$18,000.00) for every year.

(15) For public printing and binding of the several executive, judicial and legislative departments of the State, fifty thousand dollars (\$50,000.00) for the fiscal year ending September 30, 1916, and forty thousand dollars (\$40,000.00) each for the fiscal years ending September 30, 1917, and 1918.

(16) For the compensation of the secretary of State for preparing copies of the Acts for the public printer, ten cents (10c) for each one hundred words.

(17) For the compensation of the secretary of the Senate and the clerk of the House of Representatives for preparing and making indexes for the journals of the Senate and House of Representatives of the Legislature of Alabama of 1915, fifteen hundred (\$1,500.00) dollars.

(18) For the repair and upkeep, and new furnishings of the Governor's mansion, to be expended solely by the Governor of the State, and only for actual repairs, additions or furnishings

made and delivered, the sum of five hundred dollars (\$500.00) for every year.

EMERGENCY APPROPRIATIONS.

5. That for the payment of all obligations of the State, not herein specially enumerated, such annual sum as may be necessary is hereby appropriated, and that wherever any office has been created, or wherever the salary of any existing officer has been increased, or the money has not been expressly appropriated to pay the salaries of the officers whose offices have been created, or to pay the salaries which have been so increased, such sum or sums as may be necessary to pay the same at the rate, and in the manner required by the existing laws is hereby appropriated.

(6) That one-half of the appropriations herein before made for the fiscal year ending September 30, 1918, are hereby made and declared to be in force and payable by the State auditor up to and including March 31, 1919.

Approved September 28, 1915.

No. 817.)

(H. 1478—Weakley.

AN ACT

To appropriate the sum of six hundred and one and 99/100 dollars to pay Loveman, Joseph & Loeb for balance due on contract for furnishing House and Senate chambers as per contract.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of six hundred and one and 99/100 dollars, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated to pay Loveman, Joseph & Loeb for balance due on contract for furnishing House and Senate chambers, as per contract.

Sec. 2. That the auditor be and he is hereby directed to draw a warrant on the treasurer in favor of Loveman, Joseph & Loeb for the amount set out in section one of this bill.

Sec. 3. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history, shall be and constitute a commission whose duty it shall be to ascertain how much is due, and the said Governor shall, in writing, order the State auditor to draw his warrant upon the State treasurer for the

amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 28, 1915.

No. 818.)

(H. 1476—Weakley.

AN ACT

To appropriate the sum of two hundred and fifty-five dollars to pay an amount due and owing by the State tax commission to Dewberry and Montgomery.

Be it enacted by the Legislature of Alabama:

That the sum of two hundred and fifty-five dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying an account due and owing by the State tax commission to Dewberry and Montgomery for supplies furnished by them to said State tax commission.

Section 1. Provided, however, that the Governor, the attorney general, the State auditor, the State treasurer and the director of the department of archives and history, shall be and constitute a commission whose duty it shall be to ascertain how much is due, and the said Governor shall, in writing, order the State auditor to draw his warrant upon the State treasurer for the amount ascertained to be due, and it shall be the duty of the State treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 28, 1915.

No. 820.)

(H. 1597—Brindley.

AN ACT

To regulate and prescribe the method of securing jury trials in civil causes at law and in misdemeanors, and to prescribe how such causes shall be tried without the intervention of a jury and reviewed.

Be it enacted by the Legislature of Alabama:

1. That in all civil causes at law in the circuit court the issue and question of fact shall be tried by the judge of the court without the intervention of a jury unless a jury trial be demanded in writing by the plaintiff at the commencement of the suit, or by the defendant or any other party occupying the position of defendant or claimant within thirty days after the per-

fection of service on him. If the plaintiff desires a trial by jury he shall endorse in writing his demand therefor on the summons and complaint, the attachment or other process or paper filed by him for the purpose of instituting the suit, or by filing a separate written demand with the clerk of the court at the commencement of the suit. If the defendant or other person occupying the position of defendant or claimant desires a trial by jury he shall file a written demand therefor with the clerk of the court within thirty days after the perfection of service on him by endorsing such demand upon his initial pleading or by a separate written instrument. In all causes in the circuit court brought by appeal or certiorari from judgments of justices of the peace or other inferior courts the issue and question of fact shall be tried by the judge of the court without the intervention of a jury unless a demand for a trial by jury be made in writing and filed in the cause by the party suing out the appeal or certiorari within ten days after suing out the same, or filed in the cause by the opposite party within ten days after he has been served with notice of the appeal or certiorari. The failure to demand in writing a jury trial as herein provided shall be deemed and held a waiver of the right of a trial by jury, and either party demanding a trial by jury shall not have the right to withdraw such demand without the consent of the opposite party.

2. That in all misdemeanor causes in the circuit court, the issue and question of fact shall be tried by the judge of the court without the intervention of a jury except in causes where a trial by jury is demanded in writing by the defendant, and such written demand filed in the cause with the clerk of the court on or before the first sounding of the cause if the cause is sounded within thirty days after the defendant has been arrested or taken into custody after the finding of the indictment, or within thirty days after the defendant has appealed if the cause is brought to the circuit court by appeal, and if such cause is not sounded within thirty days after the defendant has appealed or been arrested or taken into custody after the finding of the indictment, then such written demand must be filed with the clerk within thirty days after the defendant has appealed or been arrested or taken into custody after the finding of the indictment, a failure to demand in writing a trial by jury as herein provided shall be held and deemed to be a waiver by the defendant of a trial by jury.

3. That in the trial of any cause at law either civil or criminal in the circuit court by the judge of the court without

the intervention of a jury, either party to a civil cause or the defendant in a criminal cause may present for review by bill of exception the conclusions and judgment of the court on the evidence, and the court of appeals or the supreme court shall review the same without any presumption in favor of the court below, and if there be error shall render such judgment in the cause as the court below shall have rendered, or reverse and remand the same for further proceedings in the circuit court as the court of appeals or the supreme court may deem right.

Approved September 28, 1915.

No. 821.)

AN ACT

(H. 126—Blackwell.

To authorize and regulate the granting of writs of certiorari.

Be it enacted by the Legislature of Alabama:

That chancellors, judges of circuit courts, city courts and courts of like jurisdiction as the circuit courts, shall have authority to grant writs of certiorari directed to recorders, justices of the peace and judges of inferior courts in all cases where appeals lie from such recorder's courts, inferior courts and justice courts to the circuit court and courts of like jurisdiction, in like manner and with like effect as probate judges are now authorized to grant such writs to justices of the peace.

Approved September 28, 1915.

No. 823.)

AN ACT

H. 1607—Shapiro.

To provide for the appointment of bailiffs of courts in all counties of the State of Alabama which have a population of one hundred and fifty thousand or more according to the last or any subsequent Federal census and to fix the compensation of such bailiffs.

Be it enacted by the Legislature of Alabama:

Section 1. That in all counties of the State of Alabama having a population of one hundred and fifty thousand or more according to the last or any subsequent Federal census the bailiffs of all courts of record in such counties shall be appointed by the judges of such court. Each judge to appoint the bailiff or bailiffs, who act in the court over which such judge presides and such bailiff to serve at the pleasure of the judge.

Sec. 2. Each such bailiff shall receive an annual salary of twelve hundred dollars (\$1,200.00) to be paid in monthly installments out of the county treasury on the warrant of the judge appointing the bailiff in the same manner as the county officials are paid.

Sec. 3. That such bailiffs shall serve all process issuing out of their respective divisions when required to do so by the judge of their respective division, and they are hereby authorized to serve such process.

Approved September 28, 1915.

No. 824.)

(H. 1495—Hubbard.

AN ACT

To amend section 1196 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. Section 1196 of the Code of Alabama be and the same is hereby amended so as to read as follows: "1196. In all cities, the council shall appropriate the sums necessary for the expenditures of the several city departments, for the interest on its bonded and other indebtedness, not exceeding in the aggregate within ten per centum of its estimated receipts, and such city council shall not appropriate in the aggregate an amount in excess of its annually legal authorized revenue. But nothing herein shall prevent such city from anticipating their revenues for the year for which such appropriation was made, or for contracting for temporary loans as herein provided, or from bonding or refunding their outstanding indebtedness, or from appropriating anticipated revenue at any time for the current expenses of the city, and interest on the bonded and other indebtedness of the city."

Approved September 28, 1915.

No. 826.)

(H. 426—Grayson of Mobile.

AN ACT

Permitting husband and wife to testify for or against each other in criminal cases.

Section 1. *Be it enacted by the Legislature of Alabama,* That from and after the passage and approval of this act, the

husband and wife may testify either for or against each other in criminal cases but shall not be compelled to do so.

Approved September 28, 1915.

No. 827.)

(H. 1059—Yarbrough.

AN ACT

For organizing the farm boys and girls of Alabama into corn clubs, pig clubs, canning clubs, poultry clubs, and any other kind of farm life clubs for the purpose of encouraging, interesting, and instructing the farm boys and girls in better methods of agriculture, home-making, cooking, sewing, and gardening; to provide plans for carrying on this work, to make appropriations for these purposes, and to prescribe methods of drawing and spending same.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act there shall be and there is hereby appropriated out of the State treasury any funds not otherwise appropriated the sum of \$100 annually for the years 1915, 1916, 1917 and 1918 for each county that raises \$100 annually for each of the years named by an appropriation by the county board of revenue or county commissioners or other body having similar jurisdiction in the county; the State fund of \$100 to be available to a county when the State auditor receives a certified statement from the probate judge or president of the county board of revenue or county commissioners or other body having similar jurisdiction in the county showing that the county has made the appropriation of \$100. The State and county funds herein provided are to be used for prizes and premiums and for otherwise encouraging and instructing the farm boys and girls in their club work.

2. That the State funds appropriated by this act and the supplementary county funds as indicated in section 1 of this act shall be spent under the joint supervision of the State board of agriculture and the county board of revenue or county commissioners or other body having similar jurisdiction in the respective counties. The professor of school agriculture of the Alabama Polytechnic Institute is hereby empowered and directed to make rules, recommendations and plans governing the various lines of club-work to be conducted under the provisions of this act; such plans, rules and recommendations are to be submitted to the State board of agriculture and to the county board of revenue or county commissioners or other body having similar jurisdiction in the respective counties for their approval or

rejection. The club work for boys in each county shall be under the general supervision of the county farm demonstration agent; the club work for girls in each county shall be under the supervision of the county canning club agent.

3. That the State funds appropriated by this act shall be paid out upon warrants of the State auditor as other funds are paid out upon the certificate of the commissioner of agriculture and industries of the State of Alabama; the county funds shall be paid out as directed by the county board of revenue or county commissioners or other body having similar jurisdiction in the respective counties upon the certificate of the commissioner of agriculture and industries of the State of Alabama.

4. That at the end of each calendar year the professor of school agriculture, of the Alabama Polytechnic Institute, shall make a full and complete report of all work done under this act to the commissioner of agriculture and industries, of the State of Alabama, and to the county board of revenue or county commissioners, or other body having similar jurisdiction in the several counties.

5. That all laws and parts of laws in conflict with this act or any part of this act are hereby repealed.

Approved September 28, 1915.

No. 828.)

(H. J. R. 269—John.

HOUSE JOINT RESOLUTION.

To appoint a commission for the purpose of considering sundry subjects of legislation to be submitted at the next session of the State Legislature:

Be it resolved by the Legislature of Alabama:

1. That a commission consisting of the Governor, chief justice of the Supreme Court, presiding judge of the Court of Appeals, the attorney general and the director of the department of archives and history is hereby appointed whose duty it shall be to make an investigation of the subjects of workman's compensation, registration and insurance of land titles, penitentiary and criminal administration, conservation of the natural resources of the State, and such other subjects as to the commission may be important.

2. That the commission shall submit a report of its investigation to the next ensuing regular session of the Legislature,

together with bills, so prepared as to carry into effect such recommendations.

Adopted by the House September 25, 1915.

Adopted by the Senate September 25, 1915.

No. 829.)

(H. 211—Hogan.

AN ACT

To provide for the disposition of the proceeds of the sale of all or any part of its property by a corporation organized under the laws of Alabama for educational purposes which has issued shares of stock and which has ceased to engage in the business for which it was organized.

Be it enacted by the Legislature of Alabama:

That when a corporation organized under the laws of Alabama for educational purposes, which corporation has issued shares of stock, whether or not the charter or laws of Alabama authorized the issue of stock, and which has ceased to engage in the business for which it was organized, has sold all or any part of its property the proceeds of such sale or sales remaining after the payment of all the debts of the corporation may be distributed pro rata among the holders of the stock issued and outstanding.

Approved September 27, 1915.

No. 830.)

(H. 1429—Chamberlain.

AN ACT

To authorize and empower the courts of county commissioners of the various counties of the State to make appropriations for the operation, support, upkeep, and maintenance of the naval militia of the State of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That the court of county commissioners of each county of the State, by whatever name such court of county commissioners may be styled in any county, is hereby authorized and empowered to appropriate in each calendar year, beginning with the year 1915, such sum of money as they may deem proper or expedient, toward defraying the necessary expense of the operation, support, upkeep and maintenance of each division of the naval militia of the State that may be located in such county.

Approved September 28, 1915.

No. 831.)

(H. 210—Hogan.

AN ACT

To authorize corporations organized under the laws of Alabama for educational purposes to sell all or any part of their property, and to provide the method of conveying the same.

Be it enacted by the Legislature of Alabama:

That any corporation organized under the laws of Alabama, general or special, for educational purposes may sell all or any part of its property, real and personal, when such sale is authorized by a vote of two-thirds of the acting trustees or other governing body of such corporation expressed at a meeting called for the purpose of authorizing such sale. If such corporation has issued shares of stock, whether or not the charter or laws of the State authorized the issue of stock, such sale or sales shall also be authorized by the vote of the holders of three-fourths in value of the shares of stock issued and outstanding at a meeting called for such purpose. Provided, that ten days notice of the meeting of such trustees or other governing body and of the meeting of such stockholders shall be given in writing prior thereto, which notice shall state the date and place of such meetings and the purpose for which the same are called. When the title to the property authorized to be sold stands in the name of the corporation the deed conveying the same shall be executed in the name of the corporation by the president or other executive head thereof; and when the title stands in the name of trustees the deed shall be executed in the names of the existing acting trustees or a majority thereof.

Approved September 28, 1915.

No. 832.)

(S. 433—Key.

AN ACT

To amend an act to amend section sixty-nine hundred and sixty-four of the Criminal Code of 1907, said act, approved, April 20th, 1911.

6964. Squirrels. Open and closed season as to.

Be it enacted by the Legislature of Alabama, That said act be amended so as to read as follows:

Sec. 1. Any person who shall pursue, injure, capture, kill or destroy any fox squirrel, black squirrel, or grey squirrel, except from August 1st, to the following January 1st, in each year, and except from May 15th to June 15th, when they may

be killed; or who shall pursue, injure, capture, or destroy any such squirrels at any time in any public or private park, or who shall kill more than ten squirrels in any one day, which is hereby declared to be the bag limit on squirrels during the season when they may be killed, shall be guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than five nor more than twenty-five dollars; provided, that any person may protect his premises from the ravages and depredations of these animals at any time and in any way.

Approved September 28, 1915.

No. 833.)

AN ACT

(S. 363—McCain.

To provide for the sale of lands bought in by the State at tax sales and which, after the lapse of five years from such sale, have not been redeemed by any person entitled thereto.

Be it enacted by the Legislature of Alabama:

Section 1. That when lands have been sold for taxes, and bought in by the State, and after the lapse of five years from such sale, no person entitled thereto has redeemed the same, the auditor, with the consent and approval of the Governor, may sell all the right, title and interest of the State in and to such lands at the best price obtainable, which price shall not be less than the sum for which the lands were bid in by the State.

Sec. 2. All laws in conflict herewith are hereby repealed.

Approved September 25, 1915.

No. 834.)

AN ACT

(S. 328—Lusk.

To amend an act, entitled an act to provide a stenographer for the Supreme Court reporter, to fix the salary of the same, and to make appropriations to pay said salary.

Be it enacted by the Legislature of Alabama:

Section 1. That section 1 of the act to provide a stenographer for the Supreme court reporter to fix a salary of same and make appropriations to pay such salary, be amended to read as follows: Section 1. A stenographer is hereby provided for the reporter of decisions for the Supreme and Appellate Courts, to

be appointed by the said reporter of decisions, whose salary shall be nine hundred dollars per year, payable monthly out of the State treasury, upon warrants drawn by the State auditor.

Sec. 2. *Be it further enacted*, That section 2 of the said act be, and the same is hereby repealed.

Approved September 27, 1915.

No. 835.)

(S. 872—Hill.

AN ACT

To require the State auditor to place upon the pension roll in appropriate class, all widows of Confederate soldiers or sailors who are entitled to a pension under the general laws of the State, but who filed their application for a pension in the office of the judge of probate of the county instead of with the county board of pension examiners.

Be it enacted by the Legislature of Alabama:

Sec. 1. That the State auditor is hereby required and directed to place upon the pension roll the names of all widows of Confederate soldiers or sailors, who are entitled to a pension under the general laws of the State, and who, during the months of July and August, 1915, filed, in the office of the judge of probate in any county, their application for a pension, instead of with the county board of pension examiners of said county, upon the certificate of the judge of probate of any county, showing that proper proof has been submitted to him, and stating that in his opinion said widow is entitled to the relief under the general pension laws of the State, and that the application is in strict accordance with the law.

Sec. 2. That the probate judge of any county shall file with the State auditor the application of any widow which has been filed in his office during the months of July and August, 1915.

Sec. 3. That the State auditor is hereby required and directed to draw his warrant on the State treasurer for the quarterly allowance due any such widow for the amount due her under appropriate classification, beginning with October 1st, 1915, and for each quarter thereafter, and the State treasurer is hereby directed to pay such warrant.

Sec. 4. All laws, or parts of laws in conflict with this act, be, and the same are hereby repealed.

Approved September 29, 1915.

No. 140.)

(H. J. R. 103—Morris.

HOUSE JOINT RESOLUTION.

Whereas, there has been widespread complaint in regard to the present method and amount of compensation, fees and salaries of county officials; and

Whereas, there is a disposition on the part of the people of the State to procure relief by amendments to the Constitution, which are of a local nature; and

Whereas, this Legislature has not had an opportunity to give the important question of compensation of county officials that attention which it deserves; and

Whereas, the adjustment of salaries, fees and commissions so as to procure efficient service for the counties and people of the counties at and for a reasonable cost, and to prevent county officers from being too great and important is a long, difficult and tedious matter;

Now, therefore, be it resolved by the House, the Senate concurring, That the general recess committee of judiciary be directed to investigate the subject of county official compensation, and to report a bill or bills of a general nature, which will afford a change from the present methods of compensation, and which will, in the judgment of such committee, afford reasonable and fair compensation for county officials.

Passed by the House, the Senate concurring, Feb. 16, 1915.

No. 165.)

(H. 257—Shapiro.

AN ACT

To authorize and require the board of revenue of counties of 200,000 population or over, according to the last or any subsequent Federal census, to appoint and to fix the compensation of officers to enforce the provisions of the law for the prevention of cruelty to animals, and to confer upon said officers the powers of deputy sheriff.

Be it enacted by the Legislature of Alabama:

Section 1. That the board of revenue of counties of 200,000 population or over, according to the last or any subsequent Federal census, shall have the power and it shall be its duty, to employ a suitable person or persons who shall be charged especially with the duty of enforcing the laws for the prevention of cruelty to animals, and to fix the compensation of such officer or officers, which compensation shall be paid in the same man-

ner as other salaries of county employees are now paid; such officer or officers upon taking oath that is required to be taken by deputy sheriffs, shall be vested with all powers now vested by law in deputy sheriffs.

Sec. 2. All laws or parts of laws, general, local or special, in conflict with the provisions of this act are hereby repealed; but "An act to authorize counties to appoint and to fix the compensation of officers to enforce the provisions of law for the prevention of cruelty to animals and the provisions of law for the prevention of cruelty to children and to confer upon said officers the power of deputy sheriffs," approved March 11, 1911, is not hereby repealed.

Approved Feby. 25, 1915.

INTEREST LAWS AND STATUTES OF VARIOUS STATES OF THE UNION

STATES AND TERRITORIES.	Interest Laws.		Statutes of Limitations.		
	Legal rate, per cent.	Rate allowed by Contract, %.	Judgements, years.	Notes, years.	Open Accts. years.
Alabama	8	8	20	6	3
Arkansas	6	10	7	5	2
Arizona	12	4	4	4	3
California	12	*	5	4	4
Colorado	8	*	10	6	6
Connecticut	6	†	†	6	6
Delaware	6	10	6	3	3
District of Columbia	6	10	12	3	3
Florida	8	10	20	5	2
Georgia	7	8	7	6	4
Idaho	7	12	6	5	4
Illinois	5	7	20	10	5
Indiana	6	8	20	10	6
Iowa	6	8	20	10	5
Kansas	6	10	5	5	2
Kentucky	6	6	15	15	2
Louisiana	5	8	10	5	3
Maine	6	*	20	6	6
Maryland	6	6	12	12	3
Massachusetts	6	*	20	6	6
Michigan	5	7	10	6	6
Minnesota	6	10	6	6	**
Mississippi	6	10	7	6	3
Missouri	6	8	10	10	2
Montana	8	*	10	8	5
Nebraska	7	10	5	5	4
Nevada	7	*	6	6	4
New Hampshire	6	6	20	6	6
New Jersey	6	6	20	6	6
New Mexico	6	12	7	6	4
New York	6	6	20	6	6
North Carolina	6	6	10	10	3
North Dakota	7	12	10	6	6
Ohio	6	8	15	15	6
Oklahoma	7	12	5	5	3
Oregon	6	10	10	6	6
Pennsylvania	6	6	5	6	6
Rhode Island	6	*	20	6	6
South Carolina	7	8	20	6	6
South Dakota	7	12	20	6	6
Tennessee	6	*	10	6	6
Texas	6	10	10	4	2
Utah	8	12	8	6	4
Vermont	6	6	8	6	6
Virginia	6	10	5	2	2
Washington	6	12	6	6	3
West Virginia	6	†6	10	10	10
Wisconsin	6	10	20	6	10
Wyoming	8	12	5	5	8

*Any rate; †any rate, but only 6 per cent can be collected by law.
 ‡No law. **No limit.

STATE DEPARTMENTS.

Governor.—Charles Henderson, of Troy.
Lieutenant-Governor.—Thomas E. Kilby, of Anniston.
Secretary of State.—John Purifoy, of Montgomery.
State Auditor.—M. C. Allgood, of Chepultepec.
State Treasurer.—William L. Lancaster, of Wetumpka.
Attorney-General.—William L. Martin, of Montgomery.
Supt. of Education.—William F. Feagin, of Gadsden.
Com. of Agriculture and Industries.—J. A. Wade, of Alexander City.
Adjutant General.—Col. G. J. Hubbard, of Troy.
Railroad Commission.—S. P. Kennedy, Pres., of Anniston.
Board of Inspectors of Convicts.—P. J. Rogers, Pres., of Birmingham.
State Board of Equalization.—Thomas W. Sims, Chairman, of Mobile.
State Health Officer.—Dr. William H. Sanders, of Mobile.
State Game and Fish Commissioner.—J. H. Wallace, Jr., of Huntsville.
Insurance Commissioner.—C. Brooks Smith, of Montgomery.
State Prison Inspector.—Dr. William H. Oates, of Mobile.
Supt. of Banks.—A. E. Walker, of Florence.
State Highway Engineer.—William S. Keller, of Montgomery.
Director, Dept. of Archives and History.—Thomas M. Owen, LL.D., of Montgomery.
Chief Mine Inspector.—C. H. Nesbitt, of Birmingham.
State Geologist.—Dr. Eugene A. Smith, of Tuscaloosa.
State Chemist.—Dr. B. B. Ross, of Auburn.
State Veterinarian.—Dr. C. A. Cary, of Auburn.
State Horticulturist.—Prof. Ernest Walker, of Auburn.

JUDICIAL.

Chief Justice Supreme Court.—John C. Anderson, of Demopolis.
Presiding Judge, Court of Appeals.—John Pelham, of Anniston.
State and Supreme Court Librarian.—Junius M. Riggs, of Montgomery.

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